

TOWNSHIP OF WEST MILFORD ZONING BOARD OF ADJUSTMENT

MINUTES MARCH 23, 2004

The meeting opened at 7:34 p.m., with the reading of the legal notice.

ROLL CALL

Present: Thomas Bigger, Robert Brady, Anthony DeSenzo, Joseph Giannini, Francis Hannan, Daniel Jurkovic, Arthur McQuaid and Ed Spirko. Stephen Glatt, Board Attorney; Linda Lutz, Staff Planner; and Richard McFadden, Township Engineer.

Absent: None

The Board Attorney administered the oath to Joseph Giannini.

Memorializations

PETER ESPOSITO

Mountain Lakes Autowash

Resolution #5-2004

Amended Preliminary & Final Site Plan

#0420-0120AB

Block 6701; Lot 13

1946 Union Valley Road; CC Zone

GRANTED: Amendment to preliminary and final site plan approval to change the landscaping plan and extend the portico 10 feet.

MOTION made by Thomas Bigger, seconded by Arthur McQuaid, to memorialize the action.

On roll call vote: Yes - Thomas Bigger, Anthony DeSenzo, Francis Hannan,

Daniel Jurkovic, Arthur McQuaid, Ed Spirko and Robert Brady

No - None

New Applications

ELAINE CORNELISSEN

Bulk Variance #0330-0642

Block 8101; Lot 18

11 Locust Court; R-1 Zone

Applicant, Elaine Cornelissen, was sworn and testified she would like to put an addition on her home to accommodate family living with her.

The meeting was opened to the public and no one wished to speak.

MOTION was made by Thomas Bigger to close the public portion, seconded by Joseph Giannini.

The Board of Adjustment made the following findings of fact:

1. The application before the Board is a request for "c" variance relief for property known as Block 8101; Lot 18, as shown on the Tax Map of the Township of West Milford, located at 11 Locust Court in the R-1 Zone and does not, as presented, comply with Section 18-3.7 of the Land Development Ordinance for reasons of side yard setback and lot coverage.
2. The addition cannot be moved to the east side of the house for reasons of interior layout and the location of the existing driveway.
3. The house is smaller than most of those in the neighborhood. The addition will bring the house closer in size to the house sizes in the neighborhood, but it will still be smaller than most.
4. There is no additional property that the applicant can acquire to alleviate or eliminate the variances.
5. No members of the public approached the Board to voice concerns.
6. Reports from the Township staff were considered during the course of the hearing.

MOTION was made by Thomas Bigger to approve the variances requested for minimum side yard setback and maximum lot coverage because there is no vacant property to purchase, Arthur McQuaid seconded. The Board felt the side of the home proposed for the addition was the best side since the other side had a driveway and garage. The value of the home will increase and the home will be brought into conformance with the neighborhood.

On roll call vote: Yes - Thomas Bigger, Anthony DeSenzo, Joseph Giannini, Francis Hannan, Daniel Jurkovic, Arthur McQuaid and Robert Brady

No - None

JEAN CASTAGNA
Bulk Variance #0330-0640
Block 7620; Lot 10
24 Orchard Lane; LR Zone

Alternate Board member, Ed Spirko, recused himself from this application.

Applicant, Jean Castagna, was sworn and testified she lost the use of her back door when she remodeled her home for ADA requirements to accommodate a recurring disability. She would like to put an addition on her home in order to have a dining room and a back door for wheelchair access, if needed, and the ability to build a ramp in the future, if necessary.

The meeting was opened to the public and no one wished to speak.

MOTION was made by Thomas Bigger to close the public portion, seconded by Arthur McQuaid.

The Board of Adjustment made the following findings of fact:

1. The application before the Board is a request for "c" variance relief for property known as Block 7620; Lot 10, as shown on the Tax Map of the Township of West Milford, located at 24 Orchard Lane in the LR Zone and does not, as presented, comply with Section 18-3.7 of the Land Development Ordinance for reasons of side yard setback and lot coverage.

2. That the addition is needed to accommodate the applicant's disability and bring the house into ADA compliance.
3. The addition cannot be placed anywhere on the house except where it is shown on the plan. To add on to the north side of the house is too close to the street. The septic location precludes adding to the south side of the house and the well location precludes adding to the west side.
4. There is no additional property to purchase.
5. The addition will not be a detriment to the neighborhood. There are mixed uses in her neighborhood – both residential and commercial. This addition will make the dwelling more compatible with the neighborhood than it is now.
6. No members of the public approached the Board to voice concerns.
7. Reports from the Township staff were considered during the course of the hearing.

MOTION was made by Daniel Jurkovic to approve the variances requested for minimum side yard setback and maximum lot coverage because the request is partly to meet ADA compliance for applicant and enable her to stay in her home if her health deteriorates further. The addition will benefit her in terms of ingress/egress. It's a modest addition to a kitchen area and will have no impact on neighboring homes. The layout of the well and septic dictate where the addition can be, Thomas Bigger seconded.

On roll call vote: Yes - Thomas Bigger, Anthony DeSenzo, Joseph Giannini, Francis Hannan, Daniel Jurkovic, Arthur McQuaid and Robert Brady

No - None

JASON TOPCZIJ

Bulk Variance #0430-0648

Block 9501; Lot 33

28 Bissett Drive; R-3 Zone

Addition to single-family dwelling

Applicant's wife, Patty Topczij, and applicant, Jason Topczij, were sworn and testified they are seeking an 11-foot x 30-foot addition to their corner lot home in order to make the dining room and kitchen space more functional.

The meeting was opened to the public and Vic Pecoraro of 32 Bissett Drive, applicants' closest neighbor, was sworn and testified he had no objections.

MOTION was made by Thomas Bigger to close the public portion, seconded by Joseph Giannini.

The Board of Adjustment makes the following findings of fact based on evidence presented at the public hearing at which a record was made.

1. The application before the Board is a request for "c" variance relief for property known as Block 9501; Lot 33, as shown on the Tax Map of the Township of West Milford, located at 28 Bissett Drive in the R-3 Zone and does not, as presented, comply with Section 18-3.7 of the Land Development Ordinance for reasons of side yard setback and lot coverage.
2. The shape of the property is long and slender.

3. The addition needs to be placed as it is shown on the plan because it is for a kitchen and dining room and must be coordinated with the current interior layout of the house.
4. The addition will have no impact on the neighborhood. It is far from the houses on adjoining lots 32 and 34.
5. The addition needs to be the size and width that is shown on the plan in order to achieve the intended results of the addition: functional, additional space.
6. The stormwater runoff will be controlled.
7. No members of the public approached the Board to voice concerns.
8. Reports from the Township staff were considered during the course of the hearing.

MOTION was made by Daniel Jurkovic to approve the variances requested for minimum side yard setbacks and maximum lot coverage since the existing deck will be removed to accommodate the addition, the lot coverage is minimal, there will be no adverse impact, the closest neighbor has no objections and the homeowners' willingness to control the water runoff, seconded by Joseph Giannini.

On roll call vote: Yes - Thomas Bigger, Anthony DeSenzo, Joseph Giannini, Francis Hannan, Daniel Jurkovic, Arthur McQuaid and Robert Brady

No - None

Minutes

MOTION was made by Thomas Bigger to approve the Minutes of the February 24, 2004 meeting, seconded by Arthur McQuaid.

Miscellaneous

Robert Coyman was present and stated he had no objection to the Board hiring an expert for the application of 1855 GLT, LLC, for Preliminary & Final Site Plan #0320-0139AB and Bulk Variance #0330-0639 for Block 3703; Lot 14, 1855 Greenwood Lake Tpke; LC Zone, and the cost will be taken from the escrow, Art McQuaid seconded.

ADJOURNMENT

The meeting was adjourned by unanimous vote at 8:34 p.m.

Respectfully submitted,

Carol DenHeyer
Secretary