

# TOWNSHIP OF WEST MILFORD ZONING BOARD OF ADJUSTMENT

## MINUTES MAY 25, 2004

The meeting opened at 7:40 p.m. with the reading of the legal notice.

### ROLL CALL

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

**Absent:** Ed Spirko

The Board Chairman advised there was a letter requesting a carry for the following application:

<b>KURT RENZLAND</b>	COMPLETE	04-02-04
<b>Use Variance #0340-0645</b>	DEADLINE	07-31-04
Block 6002; Lot 39.02		
921 Burnt Meadow Rd.; LMI Zone		

The Renzland application was carried to the June 22, 2004 meeting with no further notice necessary and a 60-day extension was granted.

### Meeting Schedule

The Board chose the following dates for special meetings: June 17, 2004 and July 15, 2004.

The following Court Remand was called:

**CEFES FINANCIAL, INC.**  
***De Minimis Exception***  
**Bulk Variance #0230-0614**  
Block 1806; Lot 4  
Magnolia Rd; LR Zone

John Barbarula, Esq., appeared on behalf of Cefes Financial.

Douglas McKittrick, Engineer and Planner, was sworn, qualified and testified on behalf of applicant.

Richard McFadden, Township Engineer, commented on the application.

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

The meeting was opened to the public in order to allow the adjoining property owner, Mr. Provost, to testify with regard to purchasing the Cefes property **only** with reference to the buy/sell letter he received.

The Board Attorney advised Mr. Provost the lot would be sold at fair market value as if all approvals had been granted in addition to all costs applicant put into the property for the application and development.

John Barbarula, Esq., advised the fair market value price would be \$60,000 for the lot and Mr. Provost did not testify.

John Barbarula, Esq., agreed to carry the Cefes application to the June 22, 2004 meeting with no further notice necessary in order to allow applicant's Engineer/Planner to supply additional information and by voice vote, all Board members were in favor of the carry request.

<b>APSHAWA LAND CO.</b>	COMPLETE	04-02-04
<b>Use Variance #0340-0635</b>	DEADLINE	08-30-04
<b>Preliminary &amp; Final Site Plan #0220-0126AB</b>		
<b>Bulk Variance #0230-0586</b>		
Block 12501; Lot 21		
Van Cleef Road; R-3 Zone		

John Barbarula, Esq., further requested the above Apschawa Land Co. application be carried to the June 22, 2004 meeting with no further notification necessary and granted the Board a 30-day extension.

### Applications Carried From Previous Meeting

<b>1855 GLT, LLC</b>	COMPLETE	10-31-03
<b>Preliminary &amp; Final Site Plan #0320-0139AB</b>	DEADLINE	06-30-04
<b>Bulk Variance #0330-0639</b>		
Block 3703; Lot 14		
1855 Greenwood Lake Tpke; LC Zone		

Board member, Francis Hannan, recused himself from the application of GLT, LLC.

Allen Hantman, Esq., appeared on behalf of applicant, 1855 GLT, and confirmed he did see a letter from Robert Kirkpatrick, Inc., with regard to hiring Mr. Kirkpatrick as an expert for this application. He felt the statute precluded the Board from charging the cost of hiring Mr. Kirkpatrick as an expert to his applicant.

A Board member reminded Mr. Hantman that the applicant did agree to the Board retaining Mr. Kirkpatrick as an expert.

The Board Attorney advised applicant agreed to the hiring of Kirkpatrick. On March 24, 2004 a letter was sent to 1855 GLT, LLC, from the Planning Department advising the Board adopted a resolution authorizing retaining the services of Robert Kirkpatrick, Inc., in connection with the above application and attached a copy of the resolution. He advised Mr. Kirkpatrick had not yet received the documentation necessary and, therefore, had not reviewed it.

Mr. Hantman stated the application had not yet been submitted to the DEP because they did not know what they were allowed to build yet.

Robert Kirkpatrick spoke on the Board's concerns.

Douglas McKittrick, appeared as both applicant, Engineer and Planner and testified submitting exhibits.

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

The Chairman announced the following applications would be carried:

<b>WEST MILFORD AUTO RECYCLERS, INC.</b>	COMPLETE	03-12-04
<b>Bulk Variance #0430-0646</b>	DEADLINE	07-10-04
Block 12501; Lots 18 & 19		
Weaver Road; R-3 Zone		

Dana D'Angelo, Esq., appeared on behalf of applicant, West Milford Auto Recyclers, Inc., and agreed to carry the application to the June 17, 2004 special meeting and granted the Board a 30-day extension.

**STRENGTHEN OUR SISTERS, INC.**  
**Use Variance #0440-0656**  
Block 14701; Lot 53  
76 Old Route 23; NC Zone

COMPLETE 04-01-04  
DEADLINE 08-29-04

George Cotz, Esq., appeared on behalf of Strengthen Our Sisters, Inc.

The Board Attorney advised the Board and Mr. Cotz of two concerns Mr. Cotz had in a faxed letter to the Board dated May 24, 2004.

The Board agreed to carry the application and Mr. Cotz stated he would file the forms with the Planning Department for a legal Interpretation. The use variance application will be carried to the June 22, 2004 meeting with no further notice necessary. They are seeking to have the Board interpret certain definitions under the Municipal Land Use Law and the Township's Zoning Ordinance. Applicant must notice for the Interpretation matter.

*The Board returned to the application of 1855 GLT, LLC, and Mr. McKittrick continued with his testimony.*

Robert Coyman, co-applicant, was sworn and testified regarding the ingress/egress into the site.

After Board discussion, the application was carried to the June 22, 2004 meeting with no further notice necessary and a 30-day extension was granted.

## **Minutes**

**MOTION** was made by Daniel Jurkovic to approve the Minutes of the April 27, 2004 meeting, seconded by Arthur McQuaid.

**MOTION** was made by Thomas Bigger to approve the Minutes of the March 23, 2004 meeting, seconded by Daniel Jurkovic.

**MOTION** was made by Joseph Giannini to approve the Minutes of the January 22, 2002 meeting, seconded by Daniel Jurkovic.

**MOTION** was made by Joseph Giannini to approve the Minutes of the January 17, 2002 meeting, seconded by Arthur McQuaid.

## **ADJOURNMENT**

The meeting was adjourned by unanimous vote at 11:15 p.m.

Respectfully submitted,

Carol DenHeyer  
Secretary