

# Township of West Milford

## Zoning Board of Adjustment

### MINUTES

July 26, 2005

The meeting opened at 7:36 p.m. with the reading of the legal notice.

#### Roll Call

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

**Absent:** Thomas Bigger, Robert Brady, Ed Spirko and Thomas Lemanowicz

Daniel Jurkovic, Vice Chairman, appointed alternate member, Ada Erik, as a voting member.

#### MEMORIALIZATIONS

The Board Attorney advised no resolution had been prepared for the following:

**MIKE DONADIO**  
**Resolution 13-2005**  
Bulk Variance #0430-0688  
Block 9901; Lot 38  
33 Wooley Road; R-4 Zone  
**DENIED**

The following memorialization was called:

**STRENGTHEN OUR SISTERS, INC.**  
**Resolution #15-2005**  
Use Variance #0440-0656  
Block 14701; Lot 53  
76 Old Route 23; NC Zone  
**DISMISSED WITHOUT PREJUDICE**

**MOTION** was made by Arthur McQuaid to memorialize the action, seconded by Anthony DeSenzo.

**On roll call vote:** **Yes** Anthony DeSenzo, Joseph Giannini, Arthur McQuaid and Ada Erik  
**No** None

#### APPLICATIONS CARRIED FROM PREVIOUS MEETING

|                                    |          |          |
|------------------------------------|----------|----------|
| <b>ROBERT MAZZOCCHI</b>            | COMPLETE | 01-14-05 |
| <b><i>De Minimis</i> Exception</b> | DEADLINE | 08-12-05 |
| <b>Bulk Variance #0430-0689</b>    |          |          |
| Block 504; Lot 1                   |          |          |
| Clubhouse Trail; LR Zone           |          |          |

John Barbarula, Esq., appeared on behalf of applicant Robert Mazzocchi.

Douglas McKittrick was sworn and qualified as Engineer and Planner. He testified the property is a peninsula and is long and thin. It is larger than the



required 20,000 square feet required in the zone, and is surrounded by water. The soil conditions should be excellent for the well and septic system. Some of the setbacks have been taken from the water line instead of the right-of-way and may not have needed variances otherwise. Applicant still needs State approval for the well and septic system, seconded by Anthony DeSenzo. There will be a minimum impact to surrounding people since there are no neighbors on three sides of the lot. The Township Engineer's December 9, 2004 will be complied to with the exception of reducing the road from 18 feet to 14 feet, which would limit the amount of disturbance on either side of the roadway.

**On roll call vote: Yes** Anthony DeSenzo, Arthur McQuaid, Ada Erik  
and Daniel Jurkovic  
**No** Joseph Giannini

The Board Attorney agreed to prepare the resolutions for the Mazzocchi applications.

The Vice Chairman advised of the following request for a carry:

|                                 |          |          |
|---------------------------------|----------|----------|
| <b>DAVID M. BELL</b>            | COMPLETE | 04-07-05 |
| <b>Bulk Variance #0530-0697</b> | DEADLINE | 09-04-05 |
| Block 4301; Lot 20              |          |          |
| 69 Forest Lake Drive; LR Zone   |          |          |

David Bell appeared to request a carry to the August 23, 2005 meeting because he is waiting for information from the Zoning Officer that may eliminate the need for his application.

**MOTION** was made by Anthony DeSenzo to carry the Bell application to the August 23, 2005 meeting, seconded by Ada Erik, with all in favor.

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

## COMMUNICATIONS

Drew Murray, Esq., appeared on behalf of High Crest Lake Lodge, Inc., to request and extension of time until January 2006 for High Crest Lake Lodge, Inc., Preliminary & Final Site Plan #0120-0096AB, Block 13002; Lot 9, High Crest Drive/Hearthstone Drive; R-2 Zone. The on-going litigation has prevented them from starting to build the new clubhouse.

The Vice Chairman felt that under the Municipal Land Use Law 40:55D-52, it was appropriate to grant the extension.

Board member, Anthony DeSenzo, recused himself at this time.

**MOTION** was made by Arthur McQuaid to grant the extension of time for High Crest Lake Lodge, Inc., Preliminary & Final Site Plan #0120-0096AB, Block 13002; Lot 9, High Crest Drive/Hearthstone Drive; R-2 Zone for a period of one year, seconded by Ada Erik

**On roll call vote: Yes** Joseph Giannini, Arthur McQuaid, Ada Erik  
and Daniel Jurkovic  
**No**

The Board Attorney agreed to prepare the resolution for the High Crest Lake Lodge, Inc., extension of time.

The following application was called:

|                             |          |          |
|-----------------------------|----------|----------|
| <b>VINCENT LANZA</b>        | COMPLETE | 01-28-05 |
| <b>De Minimis Exception</b> | DEADLINE | 09-25-05 |

**Bulk Variance #0430-0673**  
Block 2708; Lots 1,5 & 6  
27 Flanders Road; LR Zone

Applicant, Vincent Lanza, of 40 Forest Lake Drive, Hewitt, was sworn and testified he combined three lots, Block 2708, Lots 1, 5 and 6. Many issues in the Township Engineer's February 15, 2005 memo could be addressed and alleviated if Linden Court were vacated. The vacation of Linden Court was suggested by the Township Engineer and the Planning Board recommended the road vacation to go before the Council. Two variances would still be necessary.

The Vice Chairman advised Mr. Lanza since he has a pending application before the Council that could potentially change the variances requested, this hearing was premature.

Mr. Lanza testified he applied for the variances required with the road existing and also had a second plan with the road vacated to show what the new bulk variances would be. The Council is meeting some time in August to discuss the road vacation.

The Lanza application was carried to the August 23, 2005 meeting and applicant granted a 30-day extension. No further notice is necessary.

|                                 |          |          |
|---------------------------------|----------|----------|
| <b>TARA &amp; RAY GUARINO</b>   | COMPLETE | 04-12-05 |
| <b>Bulk Variance #0530-0701</b> | DEADLINE | 10-09-05 |
| Block 15502; Lot 13             |          |          |
| 30 Circle Boulevard; R-2        |          |          |

Applicant, Tara Guarino, of 30 Circle Boulevard, was sworn and testified she wants to build a roof over her existing front porch to improve the aesthetics of the home. Exhibit A-1 showing what the home currently looks like was submitted to show the entire home will be re-sided. There is an existing porch and no additional living space will be added. The pool is very old and existed along with the shed when the home was purchased. Her property is backed by watershed property and she sent the required buy/sell letter to Newark, Exhibit A-2.

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

**MOTION** was made by Anthony DeSenzo to close the public portion of the meeting, seconded by Joseph Giannini, with all in favor.

**MOTION** was made by Joseph Giannini, to approve the bulk variances requested to add a roof over an existing porch, seconded by Ada Erik. The ***motion was amended*** by Joseph Giannini to reflect the additional variances for the location of the shed and above-ground pool location which were not requested by applicant. Applicant did send the required letter to Newark Watershed. Anthony DeSenzo seconded the amendment and added the fact that applicant was still in compliance with the maximum building coverage permitted.

**On roll call vote: Yes** Anthony DeSenzo, Joseph Giannini, Arthur McQuaid, Ada Erik and Daniel Jurkovic  
**No** None

|                                 |          |          |
|---------------------------------|----------|----------|
| <b>RICHARD SMITH</b>            | COMPLETE | 04-14-05 |
| <b>Bulk Variance #0530-0699</b> | DEADLINE | 09-11-05 |
| Block 10301; Lot 26             |          |          |
| 11 Krattiger Court; R-4         |          |          |

Applicant, Richard Smith, of 11 Krattiger Court, was sworn and testified he is requesting relief from the 60-foot side yard setback. He would like to square-off the front of his home and extend the existing front porch to be used for additional

living space. It is impractical to add on in the front of the basement/garage and the well location would not allow this. It is not practical or permitted to add on in the rear of the home so the proposed plan is the best solution. Applicant is seeking to be three feet closer to the northerly sideline and there will be no detriment to the neighbors. The home will remain compatible with the neighbors' home and the improvements will benefit the neighborhood property values. The current setback from the back right corner is 26.9 feet and applicant would like to come about 2 feet closer to be at 24.7 feet.

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

**MOTION** was made by Ada Erik to close the public portion of the meeting, seconded by Joseph Giannini, with all in favor.

**MOTION** was made by Joseph Giannini, to approve the bulk variance requested for side yard setback for an addition to the dwelling. The existing side yard is 26.9 feet and the proposed is 27.7 feet and will be 2.2 feet less than what exists. There will be no detriment to the neighborhood and the addition will enhance the neighborhood, seconded by Ada Erik.

**On roll call vote:** **Yes** Anthony DeSenzo, Joseph Giannini, Arthur McQuaid, Ada Erik and Daniel Jurkovic  
**No** None

|                                 |          |          |
|---------------------------------|----------|----------|
| <b>PAUL RYAN</b>                | COMPLETE | 05-02-05 |
| <b>Bulk Variance #0430-0693</b> | DEADLINE | 08-30-05 |
| Block 5708; Lot 22              |          |          |
| 59 Belleau Gateway; LR Zone     |          |          |

Applicants, Paul and Lisa Ryan, of 59 Belleau Gateway, were sworn and testified they have an older home that they previously added onto. The family would need to relocate if the existing home were removed first so they want to first build a new home on the lot and then tear down the existing home. The septic location only allows the side yard to be utilized for an addition or new home. Exhibit A-1 through A-16, photos showing applicants' home and neighboring homes, were submitted.

Mr. Ryan testified he has removed a two-story playhouse that has been referred to as a tree house on the plans. No garage exists on the property other than a temporary/portable one. The shed in the front of the home will be removed and the other shed can remain. The location of the new 2,008 square foot home is affected by the location of the existing home to be torn down.

Linda Lutz, Principal Planner, advised some of her questions had been addressed regarding the treehouses/playhouses, garage and sheds.

Mr. Ryan testified he is proposing a covered deck or screened porch on the home.

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

**MOTION** was made by Ada Erik to close the public portion of the meeting, seconded by Anthony DeSenzo, with all in favor.

**MOTION** was made by Anthony DeSenzo, to approve the variances requested for the location of a new home to replace their older home. The property has an irregular shape and there is no feasible way to demolish the existing home and build a new one within the existing footprint so applicant has proposed to build a new home next to the old home. The photos of the neighborhood homes shows there is an existing buffer to the front line and some buffer will remain. Some of the pre-existing zoning violations will be corrected by removing the shed and the

treehouse from the front of the home. Applicant has given thought to the proposed plan, which will conform to the neighborhood. The new home will be approximately 800 square feet larger. Applicant will comply with the Township Engineer's memo and the Health Department's memo stating the home must remain a three-bedroom home, seconded by Ada Erik.

**On roll call vote: Yes** Anthony DeSenzo, Joseph Giannini, Arthur McQuaid, Ada Erik and Daniel Jurkovic  
**No** None

Linda Lutz, Principal Planner, will prepare the resolutions for the Guarino, Smith and Ryan applications.

## Minutes

**MOTION** was made by Joseph Giannini to approve the Minutes of the June 28, 2005 regular meeting, seconded by Anthony DeSenzo, with all in favor.

## Adjournment

The meeting was adjourned by unanimous vote at 10:05 p.m.

Respectfully submitted,

Carol DenHeyer, Secretary