

Township of West Milford

Zoning Board of Adjustment

MINUTES

September 27, 2005

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

Roll Call

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

Absent: Joseph Giannini

MEMORIALIZATIONS

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

The Board Attorney advised the resolution for Mike Donadio had not been prepared.

Robert Mazzocchi
Resolution 17-2005
De Minimis Exception
Block 504; Lot 1
Clubhouse Trail; LR Zone
GRANTED: *De Minimis* exception from the Residential Site Improvement Standards – New Jersey Administrative Code; Title 5; Chapter 21 (5:21-3.1) for: pavement, drainage and graded area.

Robert Mazzocchi
Resolution 18-2005
Bulk Variance #0430-0689
Block 504; Lot 1
Clubhouse Trail; LR Zone
GRANTED: Bulk variance for lot frontage, lot width, lot depth, side yard setback and rear setback.

The Board Attorney advised the resolutions for Robert Mazzocchi had not been prepared.

HIGH CREST LAKE LODGE, INC.,
Resolution 19-2005
Preliminary & Final Site Plan #0120-0096AB
Block 13002; Lot 9
High Crest Drive/Hearthstone Drive; R-2 Zone.
GRANTED: One year time extension for preliminary and final site plan.

The Board Attorney advised the resolution for High Crest Lake Lodge, Inc., had not been prepared.

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

DAVID M. BELL COMPLETE 04-07-05
Bulk Variance #0530-0697 DEADLINE 11-03-05
Block 4301; Lot 20
69 Forest Lake Drive; LR Zone

Applicant, David Bell requested his application be carried to allow him to submit revised plans. The Board Attorney advised Mr. Bell that he should check with the Planning Department to see if re-notice would be necessary. Mr. Bell granted the Board a 60-day extension.

MOTION was made by Thomas Bigger to carry the David Bell application to the October 25, 2005 meeting, seconded by Daniel Jurkovic.

STRENGTHEN OUR SISTERS, INC. COMPLETE 08-24-05
Use Variance #0440-0656 DEADLINE 12-22-05
Block 14701; Lot 53
76 Old Route 23; NC Zone

Lee Holtsman, Esq., appeared on behalf of Strengthen Our Sisters, Inc., to request a 60-day adjournment in order to submit the necessary notification and deal with some DCA issues.

The Board Attorney suggested Mr. Holtsman discuss with his partner the possibility of withdrawing the application, without prejudice, to a time when they are prepared to proceed as opposed to the Board being required to calendar the application. This would avoid the necessity of appearing at each meeting to request an adjournment. The Board Attorney suggested the application be carried to the October 25, 2005 meeting for calendar control. At that point, the Board should be advised if applicant would be proceeding or withdrawing and re-filing at a later date. Mr. Glatt felt a letter of withdrawal would be sufficient if applicant decided to withdraw the application and an appearance would not necessarily be needed.

Linda Lutz, Principal Planner, advised the survey submitted for the application was for the incorrect lot and a correct survey would need to be submitted.

MOTION was made by Thomas Bigger to carry the Strengthen Our Sisters, Inc., application to the October 25, 2005, seconded by Anthony DeSenzo. Daniel Jurkovic recused himself.

On roll call vote: **Yes** Thomas Bigger, Anthony DeSenzo, Arthur McQuaid, Ed Spirko, Thomas Lemanowicz and Robert Brady
No None

The Board Attorney advised any public present for the application should return on October 25, 2005 for calendar purposes but no testimony would be taken at that time.

APPLICATIONS CARRIED FROM PREVIOUS MEETING

VINCENT LANZA Complete 01-28-05
De Minimis Exception DEADLINE 11-24-05
Bulk Variance #0430-0673

Block 2708; Lots 1,5 & 6
27 Flanders Road; LR Zone

At this time, Donald Partington approached the Board regarding the memorialization of the Panariello application. The Board Attorney advised him the matter was not being heard and the resolution was not prepared for the meeting. He requested that Mr. Partington stop sending faxes to his office and advised he should send faxes to the Board. The Board Attorney advised he is aware of the situation but did not have time to prepare the resolution. He is hoping it will be memorialized on October 25, 2005.

The Board Secretary continued reading the Lanza application.

Applicant, Vincent Lanza, appeared and gave a timeline regarding his application. In February of 2005 he received a letter from Engineering with several deficiencies and five of these could be corrected if Linden Court could be vacated. He has been in the process of having the road vacated and submitted revised plans showing the vacation of Linden Court and re-notified with the new variances required. A special meeting with the residents in the area and some Township Officials was held on September 15, 2005 to discuss the issues they had with vacating Linden Court and the drainage issues in the area. Mr. Lanza advised there was not much opposition to vacating Linden Court and it seemed like it would go ahead. The residents did not think it would be advantageous to them to have the road paved without having drainage work done first. The Township Engineer recommended the road be paved from Maple Shade to where the vacated Linden Court would be, or basically, up to the driveway of the proposed home. Mr. Lanza agreed to put money up so when the road was completed, there would be sufficient funds to pave his portion. He has requested someone come up with a specific dollar amount. Mr. Lanza advised Linden Court has not yet been legally vacated but he would like to proceed with the application subject to the road vacation. If the road does not get vacated, he would have to submit a new application.

The Board Attorney stated there were certain events that must take place before the application could be heard. The Township Engineer thought the road vacation would be on the next Council Workshop meeting. The Board Attorney advised the drainage problem went a lot further than applicant's property, which means there was difficulty in coming up with a dollar amount to fix the road.

Mr. Lanza advised he would like to have his engineer attend the next meeting. Prior to the meeting his engineer would meet with the Township Engineer to resolve the road issue. He would like the application to go forward and the Board vote on the application, subject to the vacation of the road.

MOTION was made by Thomas Bigger to carry the Vincent Lanza application to the October 25, 2005 meeting in order to have his engineer meet with the Township Engineer, seconded by Ada Erik, with all in favor.

KENNETH KUHL
Bulk Variance #0530-0700
Block 12401; Lot 2
131 Otterhole Road; R-4

COMPLETE 05-12-05
DEADLINE 11-09-05

Applicant, Kenneth Kuhl, of 131 Otterhole Road, was sworn.

Michael Carroll, of 9 Post Road, Oakland, New Jersey, was sworn and qualified as a Licensed Engineer. He testified he worked on applicant's plans but they were signed by the Principal of the company.

Mr. Kuhl testified he would like to build an addition on his home to accommodate his elderly Mother who has physical problems with stairs.

Mr. Carroll testified from the site plan and explained an approximate 825 square foot addition to the left rear of the property is proposed. This would be added to the approximately 2,700-square-foot existing home, which includes the garage area. There is an existing 425 feet of garage space and the new septic has already been installed. All the variances requested are due to the size of the lot, which is a half-acre lot in an R-4 zone. The existing 11.9% lot coverage will be increased to 15.5% due to the addition and there is no additional property to purchase.

The Board had concerns with the 30 foot x 25 foot proposed addition.

Linda Lutz, Principal Planner, clarified there was no rear yard setback because there were two front yards. The Zoning Analysis should state *front yard setback* where it states *rear yard setback*. The requirements for both setbacks in the R-4 zone are the same, however.

After discussion of Board concerns, Mr. Kuhl requested his application be carried in order for him to consider reducing the size of his addition. He granted the Board a 60-day extension and no further notification is necessary if the variances are reduced.

MOTION was made by Anthony DeSenzo to carry the Kenneth Kuhl application to the November 22, 2005 meeting, seconded by Daniel Jurkovic, with all in favor.

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

MARCELL & PATRICIA MONTALBANO	COMPLETE	07-13-05
Bulk Variance #0530-0707	DEADLINE	11-10-05
Block 7306; Lot 4		
94 Bearfort Road; LR Zone		

Applicant, Marcell Montalbano, previously sworn, continued with his application from the previous meeting and submitted Exhibit A-1 and A-2. He testified he and his wife have been renovating their log cabin home since 1971. They would like to have additional dry, accessible storage space, together with a garage for working on their vehicles. He is proposing a garage with a second floor storage area. Exhibit A-1 shows three different sized garages and what could be stored in each one. Drawing number 3 of Exhibit A-1, shows the garage at a size that would accommodate their vehicles and also allow for a work area, etc. His engineer advised him that there would be no problem in lowering the floor elevation shown on the plans. Exhibit A-2, shows photos of applicant's homes together with neighboring homes. Applicant confirmed he supplied the Health Department with the information they requested and had no problem with the Township Engineer's memo. There is no additional property to purchase.

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 of the meeting, seconded by Anthony DeSenzo, with all in favor.

MOTION was made by Anthony DeSenzo to approve the Montalbano application for the construction of a garage. Applicant has given testimony as to why the garage is appropriate for the location even though it exceeds the maximum lot coverage of 3% by approximately 1.3%. Applicant has tried to ensure the proposed garage is in keeping with other like uses in the area. Even though it is in excess of the lot coverage allowed, it is not unreasonable for storage, vehicles and some second story storage. There will be no plumbing and only reasonable

electric in the garage for a workshop and storage area. Applicant will comply with lowering of the floor elevations, which will enhance the aesthetics. Applicant is in full compliance with the Health Department's comments as well as the Township Engineer's memo dated August 15, 2005, seconded by Arthur McQuaid.

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

MOTION was made by Thomas Bigger to have Linda Lutz, Principal Planner, prepare the resolution, seconded by Anthony DeSenzo, with all in favor.

GEORGE & CHRISTINA STEPHENS	COMPLETE	08-23-05
Bulk Variance 0530-0716	DEADLINE	12-21-05
Block 17201; Lot 4		
131 Cherry Ridge Road; R-4 Zone		

Applicant, George Stephens, of 131 Cherry Ridge Road, was sworn. He testified his 50 foot by 100 foot lot does not allow enough space on the side or rear of his home for a suitable space for his two, large dogs. He has room in the front of his home and would like to install a brown, 5-foot high chain link fence, designed as a dog run. The fence will be within his property but not on the property line. He is willing to remove the fence in the future if he sells his home.

Linda Lutz, Principal Planner, advised the Board there may be an enforcement issue to have the fence removed if the property is sold because the Zoning Officer would not be aware of such a restriction.

The Board Attorney advised if the resolution was recorded, a future property owner would be aware the fence would need to be removed to be compliance with the Township.

Mr. Stephens testified the fence would not be an obstruction and there would be no sight distance problems.

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 of the meeting, seconded by Anthony DeSenzo, with all in favor.

MOTION was made by Ed Spirko to approve the Stephens application for the installation of a fence. The fence needs to be higher to contain his large dogs. There will be no obstruction out of the driveway, seconded by Anthony DeSenzo. Applicant has agreed to remove the fence if title is transferred due to the sale of the property. The fence is chain link, which does allow additional visibility.

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

MOTION was made by Anthony DeSenzo to have Linda Lutz, Principal Planner, prepare the resolution, seconded by Thomas Bigger, with all in favor.

Minutes

MOTION was made by Thomas Bigger to approve the Minutes of the August 23, 2005 Regular Meeting, seconded by Anthony DeSenzo, with all in favor.

Miscellaneous

A Fall 2005 course announcement for the Overview of Municipal Land Use Law for Planning and Zoning Board Members was discussed.

Adjournment

The meeting was adjourned by unanimous vote at 10:07 p.m.

Respectfully submitted,

Carol DenHeyer, Secretary