

**MINUTES
OF THE TOWNSHIP OF WEST MILFORD
ZONING BOARD OF ADJUSTMENT
December 16, 2008
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:46p.m. The Board Secretary read the Legal Notice.

Roll Call

Present: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Barry Wieser, Frank Curcio, Robert Brady

Also Present: Stephen Glatt, Board Attorney, Denyse Todd, Board Secretary

Absent: Gian Severini, William Drew and Richard McFadden

Pledge

The Chairman asked all in attendance to join in the Pledge of Allegiance.

The Chairman asked Mr. Wieser and Mr. Curcio, the alternates to take a place on the dais since Mr. Severini was not in attendance and there is a vacancy. The Board Of Adjustment conducts its business in accordance with the Open Meeting Act of the State of New Jersey, discussions and decisions are made in public and the public may participate in the meeting.

The Chairman introduced the Board Attorney, Steven Glatt. The meeting follows a printed agenda and no new applications after 10:30 and no testimony after 11:00. The applicant will be allowed to speak first and then the public can comment. The appeals are made to the Superior Court of the State of New Jersey.

MEMORIALIZATIONS

ROCCO AND ROSANNE RICCARDI

RESOLUTION NO. 29-2008

Bulk Variance #0530-0719

Block 3401; Lots 23 and 24
Lakeside Road; R-2 Zone

Motion by Ada Erik to memorialize Resolution No. 29-2008

Second by Barry Wieser

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Arthur McQuaid, Barry Wieser, Frank Curcio
and Robert Brady

No: none

KURT GARDENIER

RESOLUTION NO. 30-2008

BULK VARIANCE #0830-0802

Block 6204; Lot 16, R-1 Zone
83 McKinley Place

Motion by Ada Erik to memorialize Resolution No. 30-2008

Second by Barry Wieser

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Arthur McQuaid, Barry Wieser, Frank Curcio
and Robert Brady

No: none

THOMAS HORSBURGH
RESOLUTION NO. 31-2008
Bulk Variance # 0830-0809
Block 13703, Lot 3, LR Zone
21 Navajo Trail

Motion by Ada Erik to memorialize Resolution No. 31-2008
Second by Barry Wieser

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Arthur McQuaid, Barry Wieser, Frank Curcio,
and Robert Brady

No: none

SCOTT LEONESCU
RESOLUTION NO. 32-2008
USE VARIANCE # 0840-0789A
Block 15401; Lot 51
187 LaRue Road, R4 Zone

Motion by Ada Erik to memorialize Resolution No. 32-2008
Second by Barry Wieser

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Arthur McQuaid, Barry Wieser, Frank Curcio
and Robert Brady

No: none

JACQUELYN COSGROVE
RESOLUTION NO. 33-2008
BULK VARIANCE # 0830-0815
Block 7508; Lot 26
19 Keel Road, LR Zone

Motion by Ada Erik to memorialize Resolution No. 33-2008
Second by Barry Wieser

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Barry Wieser,
and Robert Brady

No: none

NEIL OTTENS
RESOLUTION NO. 34-2008
Use Variance #0640-0759
Block 1907; Lot 1
7 Parlin Court; LR Zone

Motion by Ada Erik to memorialize Resolution No. 34-2008
Second by Barry Wieser

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Barry Wieser, Frank Curcio
and Robert Brady

No: none

DAVID J. MULLIGAN
RESOLUTION NO. 35-2008
BULK VARIANCE #0830-0819
Block 3604; Lot 1
31-33 Ringwood Lane, LC Zone

Motion by Ada Erik to memorialize Resolution No. 35-2008
Second by Barry Wieser

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Barry Wieser,
Frank Curcio and Robert Brady
No: none

JACK LEVKOVITZ
RESOLUTION NO. 36-2008
USE VARIANCE #0840-0820
Block 4701; Lot 61
750 Westbrook Road, R-4 Zone

Motion by Ada Erik to memorialize resolution No. 36-2008
Second by Barry Wieser

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Frank Curcio
and Robert Brady
No: none

Ada Erik made a motion and Francis Hannan second to approve Mr. Kirkpatrick's invoices and then withdrew their motions, the Board requested that the bills are to be resubmitted, broken down by application. The secretary will request that Mr. Kirkpatrick resubmit the bills for individual services.

Motion by Ada Erik to approve invoices for Stephen Glatt, Board Attorney.
Second by Francis Hannan
Mr. Jurkovic abstained from the voting.

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Arthur McQuaid, Barry Wieser, Frank Curcio,
Robert Brady
No: none
Abstain: Daniel Jurkovic

Mr. Glatt read the proposed change to the by-laws with regard to the email policy. Mr. Glatt asked if the Township did pass the email policy, the Board saw as a draft and if it was still a draft or if it was adopted. The transcript of the Board discussion involving the email policy should be kept in a file for future use. Mr. Glatt stated that the only evidence Board members should be hearing is the evidence presented during the hearing. If the public were to email Board Members directly, it could be questionable. It is not that the Board does not want to be a part of it, it is because there is a good reason not to be part of the Township Email policy. The Board members added to the changes to make the language more definitive. The wording was questioned and Mr. Glatt will have the changes for the January meeting. If contingent upon the Township adopting an email policy then they should vote on it. Personal, Professional/Work email addresses should be added to the wording.

Motion by Daniel Jurkovic to amend the Zoning Board of Adjustment By-laws, Article 8 to be changed to reflect the email policy and the present Article VIII will be made Article IX.
Second by Arthur McQuaid

Mr. Hannan would like to have an orientation to explain to the new members publicly, the way the policies are for the Zoning Board of Adjustment and have it on the record. Mr. Hannan would like this to be done when a new Board Member is appointed as well as discussion outside of emails.

Mr. Glatt said that at the next regular meeting have a discussion of the email policy on the agenda and also to have a welcome packet for the new members.

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Barry Wieser, Frank Curcio and Robert Brady

No: none

Motion by Ada Erik to approve the minutes of November 25, 2008

Second by Barry Wieser

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Barry Wieser, Frank Curcio, Robert Brady

No: none

There was discussion regarding Mr. Lynch's resignation and also the letter that was sent from the Chairman thanking Mr. Lynch for his service.

There are two letters to be put to the January meeting. One is from Mr. Drew for Planning Services and one is from Mr. Glatt for Legal Services. Mr. Hannan doesn't feel it is necessary to advertise for new professionals.

The Reorganization meeting will be at 7:00p.m. and the Regular Meeting will be at 7:30p.m. on January 27, 2009.

Mr. Wieser asked if the Board could give consideration to putting the November meeting one week before so it would not fall the same week as Thanksgiving.

Mr. Hannan asked the secretary to supply the Board with the term ending dates for the Board members.

Mr. Brady mentioned that we will need to fill any vacancies on the Board and if needed to advertise it. The alternates are not automatically selected to become citizen members unless a letter is received by the Clerk's Office. There is continued discussion about the appointments Council makes to the various Boards. Letters of interest to be Board Members should go to the Township Clerk.

Mr. Glatt informed the Board that Mr. Lanza filed a brief and Mr. Glatt will file his brief on Tuesday, December 23, 2008. Mr. Lanza has until December 31, 2008 to file a reply brief. After the first of the year the Court will give a court date. Mr. Lanza is representing himself in this matter.

Mr. Brady thanked Mr. Jurkovic for his years of wisdom and good advice and wishes him well on the Town Council. All in agreement that he would be missed. Mr. Jurkovic said how enjoyable it has been as a member of this Board. He learned a lot being on this Board and leaves with regret, would have liked to stay on both. Mr. Brady enjoyed being the Chairman again this year. Mr. Glatt looks forward to next year. Happy New Year to all.

Adjournment

Motion by Ada Erik to adjourn the regular meeting

Second by Arthur McQuaid

All in favor to adjourn the regular meeting of December 16, 2008

Meeting adjourned at 8:27 p.m.

Adopted: December 16, 2008

Respectfully submitted by,

Denyse L. Todd, Secretary
Zoning Board of Adjustment