

**TOWNSHIP OF WEST MILFORD**  
**ZONING BOARD OF ADJUSTMENT**

**AGENDA**

**September 23, 2003**

**7:30 p.m.**

**Main Meeting Room of Town Hall**

**LEGAL**

*In accordance with Chapter 231, Public Laws of the State of New Jersey of 1975, adequate advance notice of this meeting was sent to the Aim Newspapers and The North Jersey Herald & News for publication, is posted on the Bulletin Board in the main corridor of Town Hall and is on file in the Township Clerk's Office. The Main Meeting Room is ADA accessible. Special needs can be accommodated by contacting the Zoning Board of Adjustment at (973) 728-2895.*

**PLEDGE**

**ROLL CALL**

**Regular Members:** Thomas Bigger, Robert Brady, Joseph Giannini,  
Daniel Jurkovic, Arthur McQuaid and William Milnes  
**Alternates:** Laetitia Munro, Dennis Kirwan  
**Board Attorney:** Stephen Glatt  
**Principal Planner:** Linda Lutz  
**Township Engineer:** Richard McFadden  
**Radio Frequency Expert** Charles Hecht

**MEMORIALIZATIONS**

**NY SMSA LIMITED PARTNERSHIP**  
**(Verizon)**

**Resolution #30-2003**

Use Variance #0340-0615

Block 14501; Lot 14

55 Blakely Lane; R-4 Zone

**GRANTED:** Use Variance per New Jersey Municipal Land Use Law C.40:55D-70d(2) and (3) for the expansion of a pre-existing non-conforming use.

**Eligible to vote:** Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, William Milnes, Laetitia Munro and Robert Brady

**NY SMSA LIMITED PARTNERSHIP  
(Verizon)**

**Resolution #31-2003**

Preliminary & Final Site Plan #0320-0134

Bulk Variance #0330-0616

Block 14501; Lot 14

55 Blakely Lane; R-4 Zone

**GRANTED:** Preliminary and final site plan approval for an addition to an unmanned wireless telecommunications facility with a bulk variance for side yard setback.

**Eligible to vote:** Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, William Milnes, Laetitia Munro and Robert Brady

## COURT REMANDS

**HIGH CREST LAKE LODGE, INC.**

**Use Variance #0140-0490**

**Preliminary & Final Site Plan #0120-0096AB**

Block 13002; Lot 9

High Crest Drive/Hearthstone Drive; R-2 Zone

This application has been remanded for amplification of the record on the issue of traffic impact on the community as a consequence of the proposed use.

This matter was carried from the August 7, 2003 public hearing at which time no testimony was taken and the June 24, 2003 public hearing, at which testimony was taken. The members who voted in December 2001, have since read the transcript and/or been present to hear testimony presented are Thomas Bigger, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Laetitia Munro, Dennis Kirwan and Robert Brady.

## APPLICATIONS CARRIED FROM PREVIOUS MEETING

**CHRISTIAN LIFE CENTER**

**OF THE ASSEMBLIES OF GOD**

**Use Variance #0240-0581**

Block 6203; Lot 13

184 Marshall Hill Road; R-1 Zone

Addition to the church

Use Variance per New Jersey Municipal Land Use Law C.40:55D-70d(3) and (6) because provisions of the conditional use section for Houses of Worship are not being met, and for height as follows:

COMPLETE 11-27-02

DEADLINE 12-31-03

	Required	Proposed
Lot coverage	8% (max.)	8.3%
Parking	50' (min.) to property line	5' easterly side property line
Height of building	35 feet	41.5 feet

**Preliminary Site Plan #0220-0124A**

**Bulk Variance #0230-0582**

Block 6203; Lot 13

184 Marshall Hill Road; R-1 Zone

This application does not comply with Section 18-14.4 Paragraph B of the Land Development Ordinance for the following reasons:

	Required	Proposed
Signs - size	32 sq. ft. (max. size) each	53 sq. ft. each
Front setback	10 feet	0 feet

This application was carried from the March 25, 2003, May 27, 2003 and July 22, 2003 public hearings. Members present to hear testimony at the March 25, 2003 hearing were Thomas Bigger, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Laetitia Munro, Dennis Kirwan and Robert Brady. No testimony was taken at the May 27, 2003 or July 22, 2003 hearing.

**KERRY GREENE**

**Use Variance #0240-0605**

Block 1404; Lot 5.02

832 Warwick Tpk.; NC Zone

Use Variance per New Jersey Municipal Land Use Law C.40:55D-70d (1)

because the proposed residential lots are not permitted in a commercial zone

COMPLETE 02-07-03

DEADLINE 11-01-03

***De Minimis Exception***

Block 1404; Lot 5.02

832 Warwick Tpk.; NC Zone

*De Minimis* exception from the Residential Site Improvement Standards – New Jersey Administrative Code; Title 5; Chapter 21 (5:21-3.1).

**Minor Subdivision #0210-1951**

**Bulk Variance #0330-0629**

Block 1404; Lot 5.02

832 Warwick Tpk.; NC Zone

To create three residential lots

This application does not comply with Section 18-4.4 and 18-9.7 of the Land Development Ordinance for the following reasons:

ITEM	REQUIRED	PROPOSED LOT 5.03	PROPOSED LOT 5.04
Lot Frontage	100 feet	30 feet	50.28 feet
Lot Width	100 feet	30 feet	----
Section 35 MLUL – issuance of a building permit on a lot that does not have access to a public street.			

This application was carried from the July 17, 2003 public hearing. Members present to hear testimony were Thomas Bigger, Joseph Giannini, Daniel Jurkovic, William Milnes, Laetitia Munro, Dennis Kirwan and Robert Brady.

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**WM UV Assoc., LLC**  
**(ORCHARD VIEW ESTATES)**  
**Use Variance #0240-0603**  
 Block 7701; Lots 7 and 11  
 Union Valley Road; R-4 Zone  
 Use Variance per New Jersey Municipal Land Use Law C.40-55D-70d(2) and (5)  
 For the expansion of a pre-existing, non-conforming use and for a density increase.

COMPLETE 03-25-03  
 DEADLINE 12-21-03

**Preliminary Subdivision #0210-1934A**  
**Bulk Variance #0230-0604**  
 Block 7701; Lots 7 and 11  
 Union Valley Road; R-4 Zone  
 Subdivision to create eight lots with the following bulk variances:

Item	Required	Prop Lot 7.01	Prop Lot 7.02	Prop Lot 7.03	Prop Lot 7.04	Prop Lot 7.05	Prop Lot 7.06	Prop Lot 7.07	Prop Lot 7.08
Area	4 ac	---	2.0 ac	1.2 ac	1.6 ac	1.0 ac	1.1 ac	1.1 ac	1.5 ac
Frontage	300'	---	---	186.68'	---	160'	160'	176.88'	---
Width	300'	260'	---	180'	270'	161.75'	160.4'	176.17'	286.03'
Depth	275'	---	255.31'	---	215'	260.79'	---	---	100'
Side yd	60'	---	35.06'	30.5'	32.32'	39.62'	35'	38.38'	31.49'
Front yd	125'	59.23'	51.7'	51.01'	79.15'	118.96'	---	---	113.26'
Rear yd	125'	---	---	---	93.46'	99.06'	79.86'	53.23'	54'

This application was carried from the July 22, 2003 public hearing. Members present to hear testimony were Joseph Giannini, Daniel Jurkovic, Laetitia Munro, Dennis Kirwan and Robert Brady.

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**CHARLES AIKEY**  
**Preliminary Subdivision #0210-1950**  
**Bulk Variance #0230-0613**

COMPLETE 03-27-03  
 DEADLINE 09-30-03

Block 9501; Lots 19.02  
 144 Wesley Drive; R-3 Zone

Subdivision to create five lots with the following bulk variances:

Item	Required	Proposed Lot 19.02	Proposed Lot 19.03	Proposed Lot 19.04	Proposed Lot 19.05	Proposed Lot 19.06
Lot Area	3 acres	-----	.98 acre	.75 acre	.62 acre	1.02 acre
Lot Front	250 feet	-----	-----	-----	113 feet	-----
Lot Width	250 feet	70 ft. (Leslie) 80 ft. (Wesley)	200 feet	150 feet	150 feet	-----
Lot Depth	250 feet	-----	-----	150 feet	170 feet	200 feet
Side yard setback	50 feet	-----	44 feet	42 feet	45 ft. & 53 ft.	53 & 46 feet
Front yard setback	100 feet	-----	55 feet	55 feet	55 feet	55 feet
Rear yard setback	100 feet	-----	75 feet	50 feet	79 feet	97 feet

This application was carried from the July 22, 2003 public hearing. Members present to hear testimony were Thomas Bigger, Joseph Giannini, Daniel Jurkovic, Laetitia Munro Dennis Kirwan and Robert Brady.

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**CEFES FINANCIAL, INC.**  
***De Minimis* Exception**  
 Block 1806; Lots 4 & 5  
 Magnolia Rd; LR Zone

*De Minimis* exception from the Residential Site Improvement Standards – New Jersey Administrative Code; Title 5; Chapter 21 (5:21-3.1) for: pavement, cartway width.

**Bulk Variance #0230-0614**  
 Block 1806; Lots 4 & 5  
 Magnolia Rd; LR Zone  
 Construction of single-family dwelling

COMPLETE 04-29-03  
 DEADLINE 10-28-03

This application does not comply with Section 18-3.7 Paragraph D of the Land Development Ordinance for the following reasons:

	Required	Proposed
Lot area	20,000 sq. feet.	8,863 sq. feet
Lot depth	150 feet	58.28 feet
Side yard setback	30 feet	16 feet
Front yard setback	40 feet	20 feet
Section 35 MLUL – lot does not gain access from a public street.		

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**AT&T WIRELESS**

**Use Variance #0240-0607**

Block 1701; Lot 59

776 Warwick Tpke; LR Zone

Use Variance per New Jersey Municipal Land Use Law C.40:55D-70d(3) – two standards of the conditional use provisions are not being met (elevation of proposed tower exceeds elevation 1080 and no provision of landscaping).

COMPLETE 06-30-03  
DEADLINE 11-27-03

**Preliminary & Final Site Plan #0220-0132AB**

Block 1701; Lot 59

776 Warwick Tpke; LR Zone

Unmanned wireless telecommunications facility

This application was carried from the August 7, 2003 public hearing. Members present to hear testimony were Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, William Milnes, Laetitia Munro and Robert Brady.

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**WORLD FOR CHRIST CRUSADE, INC.**

**Use Variance #0340-0622**

Block 7701; Lot 11

1005 Union Valley Road; R-4 Zone

Expansion of a pre-existing non-conforming use.

Use Variance per New Jersey Municipal Land Use Law C.40:55D-70d(2) for a dining hall.

COMPLETE 07-01-03  
DEADLINE 10-29-03

**Preliminary & Final Site Plan #0320-0138AB**

Block 7701; Lot 11

1005 Union Valley Road; R-4 Zone

Construction of a dining hall.

This application does not comply with Section 18-3.7 Paragraph A of the Land Development Ordinance for the following reasons:

	Required	Proposed
Accessory Structure:		
Distance to other structure (min)	20 feet	13.5 feet
Building Size (max)	1500 square feet	2830 square feet

## **MISCELLANEOUS**

### **MINUTES**

Approval of Minutes of the July 17, 2003 Meeting.

### **ADJOURNMENT**

Boa\Agendas\9-23-03SpMtg

## **TOWNSHIP OF WEST MILFORD**

### **ZONING BOARD OF ADJUSTMENT**

#### **ADDENDUM TO AGENDA**

**September 23, 2003**

**7:30 p.m.**

**Main Meeting Room of Town Hall**

### **MEMORIALIZATIONS**

**GEORGE BLOOD**  
**Resolution No. 29-2003**  
Bulk Variance #0330-0625  
Block 2311; Lot 13

Gladstone Road; LR Zone

**GRANTED:** Bulk variances for lot area, lot depth, front yard setback and side yard setback

**Eligible to vote:** Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Laetitia Munro and Robert Brady

**SEAN & ANNE KANE**

**Resolution #32-2003**

Bulk Variance #0330-0632

Block 4010; Lot 6

Wanaque Road; LR Zone

**GRANTED:** Bulk variance for lot coverage.

**Eligible to vote:** Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, William Milnes, Laetitia Munro and Robert Brady

## MEETING SCHEDULING

Possible dates for special meetings:

Wednesday, October 8, 2003

Tuesday, October 14, 2003

Thursday, October 16, 2003

Tuesday, October 21, 2003

Monday, November 10, 2003

Tuesday, November 18, 2003

Thursday, November 20, 2003

## APPLICATIONS CARRIED FROM PREVIOUS MEETING

**JOSEPH PATERNO, LLC**

***De Minimis Exception***

Block 2707; Lots 2 & 5

Flanders Road; LR Zone

*De Minimis* exception from the Residential Site Improvement Standards – New Jersey Administrative Code; Title 5; Chapter 21 (5:21-3.1) for: paving road, drainage, grading.

**Bulk Variance #0330-0623**

Block 2707; Lots 2 & 5

Flanders Road; LR Zone

Construction of single-family dwelling

COMPLETE 06-18-03

DEADLINE 11-15-03

This application does not comply with Section 18-3.7 Paragraph D of the Land Development Ordinance for the following reasons:

	Required	Proposed
Lot area	20,000 sq. ft.	13,992 sq. ft.
Lot frontage	120 ft.	118.24 ft. & 60 ft.
Lot width	120 ft.	102 ft. & 60 ft.
Side yard setback	30 ft.	12 ft.
Front yard setback	40 ft.	34.5 ft.
(max.) Wall height in front yard	4 ft.	6 ft. (in both front yards)

Section 35 MLUL – lot does not gain access from a public street.

This application was carried from the August 7, 2003 public hearing. Members present to hear testimony were Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, William Milnes, Laetitia Munro and Robert Brady. Dennis Kirwan listened to the recording.

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## NEW APPLICATIONS

<p><b>Alberto Dautaj (Momento's II)</b>  <b>Final Site Plan, Phase II, #0320-0054C</b>                  Block 4701; Lot 38.02                  374 Morsetown Rd.; R-3 Zone</p>	<p>COMPLETE 08-13-03                  DEADLINE 09-27-03</p>
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<p><b>STEVEN BLACKSMITH</b>  <b>Bulk Variance #0330-0631</b>                  Block 5618; Lot 1                  15 Quarry Avenue; LR Zone</p>	<p>COMPLETE 08-29-03                  DEADLINE 12-27-03</p>
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This application does not comply with Section 18-3.7 Paragraph D of the Land Development Ordinance for the following reasons:

	Required	Existing	Proposed
Front yard setback	40 feet	34.8 feet	30 feet
Side yard setback	30 feet	49.5 feet	24 feet
Lot coverage	10%	7.29%	11.7%

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## MINUTES

Approval of Minutes of the July 17, 2003 Reorganization Meeting.  
 Approval of Minutes of the July 22, 2003 Meeting.