

# Township of West Milford

## Zoning Board of Adjustment

### MINUTES

June 28, 2005

The meeting opened at 7:38 p.m. with the reading of the legal notice.

#### Roll Call

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

**Absent:** Ed Spirko

The Chairman appointed alternate member, Thomas Lemanowicz, as a voting member.

#### MEMORIALIZATIONS

The Board Attorney advised David Becker, Esq., attorney for Shiloh Bible Camp, had some concerns regarding the resolutions to be memorialized for Shiloh Bible Camp, Inc.

David Becker, Esq., advised an exemption with DEP had been filed as a condition of approval. The request was for a religious or church organization and the Highlands had a problem with the terminology "*gymnasium*." Applicant is requesting to modify the language in the resolution to call it a *multi-purpose building/church/gymnasium* to satisfy the DEP. The apartment may be abandoned or it may be turned into meeting rooms.

After discussion, the Board agreed to amend the language.

#### **SHILOH BIBLE CAMP, INC.**

##### **Resolution 9-2005**

Use Variance #0440-0663

Block 6002; Lot 47

753 Burnt Meadow Road; R-4 Zone

**GRANTED:** Use Variance per New Jersey Municipal Land Use Law C.40:55D-70d(2), an expansion of a pre-existing, non-conforming use, for an addition of a multi-purpose building/church/gymnasium/meeting room/apartment facility and for outdoor storage of a maximum of ten (10) vehicles.

**MOTION** was made by Thomas Bigger to adopt Resolution 9-2005 for the Use Variance for Shiloh Bible Camp with the amended language added to include *multi-purpose building/church*, and correct memorialization date to June 28, 2005, Daniel Jurkovic seconded.

**On roll call vote: Yes** Thomas Bigger, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Thomas Lemanowicz and Robert Brady

**No** None

#### **SHILOH BIBLE CAMP, INC.**

##### **Resolution 10-2005**

Preliminary & Final Site Plan #0420-0180AB

Bulk Variance #0430-0664  
Block 6002; Lot 47  
753 Burnt Meadow Road; R-4 Zone

**GRANTED:** Preliminary and final site plan approval with bulk variances  
**MOTION** was made by Thomas Bigger to adopt Resolution 10-2005 for Preliminary and Final Site Plan for Shiloh Bible Camp with the amended language added to include *multi-purpose building/church*, and correct to memorialization date to June 28, 2005, Joseph Giannini seconded.

**On roll call vote: Yes** Thomas Bigger, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Thomas Lemanowicz and Robert Brady  
**No** None

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 Chairman advised the Board needed to go into closed session.

After closed session, the Board resumed the regular meeting.

The Chairman advised the Board would be voting on Resolution 1-2005 having to do with the hiring of its Board Attorney. A request had been made to include a "*not-to-exceed*" amount to the resolution. A *yes* vote would be to continue the resolution as previously approved and a *no* vote would be to change the resolution to include the "*not-to-exceed*" language.

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

## MISCELLANEOUS

The Board discussed possible special meeting dates and decided to have two special meetings on July 12, 2005 and August 9, 2005.

The Chairman advised of the following requests for carries:

<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 July 26, 2005 meeting.

**MOTION** was made by Anthony DeSenzo to carry the application to the July 26, 2005 meeting, seconded by Thomas Bigger, with all in favor. Applicant granted the Board a 30-day extension.

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

Clubhouse Trail; LR Zone

Robert Mazzocchi appeared and requested a carry to the July 12, 2005 special meeting.

**MOTION** was made by Thomas Bigger to carry the application to the July 12, 2005 special meeting, Anthony DeSenzo seconded, with all in favor. No further notice is necessary.

<b>VINCENT LANZA</b>	COMPLETE	01-28-05
<b><i>De Minimis Exception</i></b>	DEADLINE	08-26-05
<b>Bulk Variance #0430-0673</b>		
Block 2708; Lots 1,5 & 6		
27 Flanders Road; LR Zone		

Vincent Lanza appeared to request a carry because the road is being vacated. Linda Lutz, Principal Planner, confirmed applicant submitted plans showing what the project would look like if the road is vacated. New notice might be necessary but it would need to be determined by the Board Attorney. Mr. Lanza confirmed he noticed the application both ways to cover himself.

**MOTION** was made by Thomas Bigger to carry the application to the July 12, 2005 special meeting, seconded by Anthony DeSenzo, with all in favor. No further notice is necessary.

The meeting continued with the following application:

<b>JOHN PANARIELLO</b>	COMPLETE	12-27-04
<b>Use Variance #0440-0694</b>	DEADLINE	08-24-05
Block 11103; Lot 5.02		
602 Snake Den Road; R-4 Zone		

Linda Herlihy, Esq., appeared on behalf of applicant and confirmed she had supplied information to the Board Attorney showing the lots were not merged and could be transferred separately.

The meeting was opened to the public at which time Siobhan Partington and Donald Partington of 572 Snake Den Road, were sworn and testified. Numerous exhibits were submitted to the Board.

Ken Ochab, Planner, previously sworn, answered questions for the Partingtons.

The Chairman advised the following applicant was requesting a carry:

<b>NEW CINGULAR WIRELESS PCS, LLC</b>	COMPLETE	01-31-05
<b>D/B/A AT&amp;T WIRELESS</b>	DEADLINE	08-31-05
<b>Use Variance #0440-0691</b>		
<b>Preliminary &amp; Final Site Plan #0420-0197AB</b>		
Block 2802; Lot 3		
333 Warwick Turnpike; NC Zone		

Judith Babinski, Esq., appeared on behalf of applicant to request a carry of the New Cingular Wireless PCS, LLC, application to the August 9, 2005 special meeting.

**MOTION** was made by Thomas Bigger to carry the New Cingular Wireless PCS, LLC, application to the August 9, 2005 special meeting, seconded by Joseph Giannini, with all in favor. A 60-day extension was granted.

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

At this time, the Chairman took requests for the following carries:

<b>TARA &amp; RAY GUARINO</b>	COMPLETE	04-12-05
<b>Bulk Variance #0530-0701</b>	DEADLINE	08-10-05
Block 15502; Lot 13 30 Circle Boulevard; R-2		

Tara Guarino requested her application be carried to the July 12, 2005 special meeting.

**MOTION** was made by Thomas Bigger to carry the Guarino application to the July 12, 2005 special meeting, seconded by Joseph Giannini, with all in favor. A 30-day extension was granted.

<b>RICHARD SMITH</b>	COMPLETE	04-14-05
<b>Bulk Variance #0530-0699</b>	DEADLINE	08-12-05
Block 10301; Lot 26 11 Krattiger Court; R-4		

Mr. Smith requested to carry his application to the July 12, 2005 special meeting.

**MOTION** was made by Thomas Bigger to carry the Smith application to the July 12, 2005 special meeting, seconded by Anthony DeSenzo, with all in favor.

<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		

Mr. Ryan agreed to carry his application to the July 12, 2005 special meeting.

**MOTION** was made by Joseph Giannini to carry the Ryan application to the July 12, 2005 special meeting, seconded by Daniel Jurkovic, with all in favor.

<b>KENNETH KUHL</b>	COMPLETE	05-12-05
<b>Bulk Variance #0530-0700</b>	DEADLINE	09-09-05
Block 12401; Lot 2 131 Otterhole Road; R-4		

Mr. Kuhl agreed to carry his application to the July 12, 2005 special meeting.

**MOTION** was made by Thomas Bigger to carry the Kuhl application to the July 12, 2005 special meeting, seconded by Daniel Jurkovic, with all in favor.

<b>STRENGTHEN OUR SISTERS, INC.</b>	COMPLETE	06-03-05
<b>Use Variance #0440-0656</b>	DEADLINE	10-01-05
Block 14701; Lot 53 76 Old Route 23; NC Zone		

Neither applicant nor applicant's attorney were present at the meeting. The Board agreed to call the application later into the meeting.

The Board returned to the Panariello application and Mr. and Mrs. Partington continued with their testimony and submission of additional exhibits.

The Chairman advised the following application would also need to be carried:

<b>GREGORY THOMASES</b>	COMPLETE	01-06-05
<b>Bulk Variance #0430-0666</b>	DEADLINE	07-31-05
Block 4101; Lot 6		

166 Long Pond Road; LR Zone

Henry Larner, Esq., requested a carry to the August 9, 2005 special meeting and granted the Board a 60-day extension.

The Chairman advised the Thomases application will be carried to the August 9, 2005 special meeting with no further notice necessary.

The Board again returned to the Panariello application and Mr. and Mrs. Partington continued with their testimony and submission of additional exhibits.

The Chairman advised the application would need to be carried because of the lateness of the hour.

The Panariello application was carried to the July 12, 2005 special meeting with no further notice necessary.

The following application was again called:

<b>STRENGTHEN OUR SISTERS, INC.</b>	COMPLETE	06-03-05
<b>Use Variance #0440-0656</b>	DEADLINE	10-01-05
Block 14701; Lot 53		
76 Old Route 23; NC Zone		

No representation was present for the Strengthen Our Sisters application.

**MOTION** was made by Joseph Giannini to dismiss without prejudice the Strengthen Our Sisters, Inc., Use Variance application. The Chairman reminded the Board, applicant's attorney was sent a letter advising an appearance before the Board would be required at the June 28, 2005 meeting if a carry was to be requested. Board member, Daniel Jurkovic, recused himself from the vote. Thomas Bigger seconded the motion to dismiss the application without prejudice.

<b>On roll call vote: Yes</b>	Thomas Bigger, Anthony DeSenzo, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Thomas Lemanowicz, Ada Erik and Robert Brady
<b>No</b>	None
<b>Abstain</b>	Daniel Jurkovic

## Minutes

**MOTION** was made by Ada Erik to approve the Minutes of the May 24, 2005 regular meeting, seconded by Thomas Bigger, with all in favor.

## Communications

The Board discussed the Legislative Alert from the New Jersey League of Municipalities, apprising municipalities of pending legislation that would mandate educational requirements for Zoning and Planning Boards.

## **Adjournment**

The meeting was adjourned by unanimous vote at 11:19 p.m.

Respectfully submitted,

Carol DenHeyer, Secretary