

**MINUTES  
Of the Township of West Milford  
ZONING BOARD OF ADJUSTMENT  
April 27, 2010  
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:51 p.m. The Board Secretary read the Legal Notice.

**Pledge**

The Chairman asked all in attendance to join in the Pledge of Allegiance. The Board Chairman did not require the Board Professionals to be in attendance as there were no new applications.

**Roll Call**

**Present:** Ada Erik, Francis Hannan, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini, Vivienne Erk, Robert Brady

**Also Present:** Denyse Todd, Board Secretary

**Absent:** James Olivo, Stephen Glatt, Board Attorney, William Drew, Board Planner, Richard McFadden, Board Engineer

**MEMORIALIZATIONS**

**NEW CING. DBA AT&T  
RESOLUTION NO. 4-2010  
USE & BULK VAR. &  
WIRELESS TELE. #ZB09-09-09  
Block 4601; Lot 22  
Greenwood Lk Tpk & E. Shore Rd LMI Zone**

*Action:* Use variance, preliminary and final site plan with ancillary bulk variance approval for the co-location of wireless telecommunication antennas to be attached to an existing monopole.

**Motion by Ada Erik** to memorialize Resolution No. 4-2010

**Second by Gian Severini**

**Roll Call Vote:**

**Yes:** Ada Erik, Francis Hannan, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini, Robert Brady

**No:** none

**SUSAN BORRELLI-GERACE  
RESOLUTION NO. 5-2010  
Bulk Variance ZB01-10-04  
Block 5703, Lot 7  
9 Center St.; LR Zone**

*Action:* Bulk Variance approval for lot coverage where 10% is required, 12.5% exists and 14.4% is proposed and side yard setback where 30 feet is required 5.3 feet and 8.07 feet exist and 5.3 and 8.05 are proposed for the construction of an addition.

**Motion by Ada Erik** to memorialize Resolution No. 5-2010

**Second by Frank Curcio**

**Roll Call Vote:**

**Yes:** Ada Erik, Francis Hannan, Frank Curcio, Barry Wieser, Arthur McQuaid

**No:** none

The following is the discussion of the year end Board Report to the Mayor and Council. Page 4 and page 5 were specifically mentioned by the Chairman since it was discussed to possibly use funds to put pieces of property that could no longer be developed onto the Tax Map in a way that could turn a profit for the community so that Green Acres does not take it off the tax map. Several

pieces of property are land locked and are not conducive to pocket parks. The section of the report of the analysis of zoning actions is self-explanatory. Mr. Brady asked if any members were unable to review the report they should take a moment to do so.

Ms. Erik commented that the report was well written. Mr. Brady commented that having an as built for an addition is important since there have been applicants who come back to the Board because they needed a change to their resolution when someone did not measure correctly. An as built would bring that problem down to a minimum. Mr. McQuaid felt that it was moot because if the foundation is off what would they do and they may be required to rip out the foundation. This could possibly occur in a situation where the foundation is off by feet and not just a few inches.

**Motion by Ada Erik** to accept the Annual Report  
**Second by Gian Severini**

Mr. McQuaid mentioned that once again they are asking for the Town to use Open Space funds for small lots instead of just large parcels. Environmental impact for small lots with new wells and septics is a lot more damaging than buying up a large parcel with nothing on it. Mr. Brady mentioned that many residents would like to acquire an empty adjacent lot, which would prevent shoe horning a house and another septic field on to a small lot in a lake community.

**Roll Call Vote:**

**Yes:** Ada Erik, Francis Hannan, Barry Wieser Frank Curcio, Arthur McQuaid,  
Gian Severini, Robert Brady  
**No:** none

**APPROVAL OF INVOICES-BOARD PROFESSIONALS**

**Motion by Ada Erik** to approve invoices for Stephen Glatt  
**Second by Gian Severini**

**Roll Call Vote:**

**Yes:** Ada Erik, Francis Hannan, Barry Wieser Frank Curcio, Arthur McQuaid,  
Gian Severini, Robert Brady  
**No:** none

**Motion by Ada Erik** to approve invoices for William H. Drew  
**Second by Frank Curcio**

**Yes:** Ada Erik, Francis Hannan, Barry Wieser Frank Curcio, Arthur McQuaid,  
Gian Severini, Robert Brady  
**No:** none

**Motion by Ada Erik** to approve the minutes for the March 23, 2010 meeting.  
**Second by Gian Severini**

**All in favor to approve minutes**

**Opposed: None**

Chairman Brady added, for the record, that he did not have the attorney or any of the professionals attend do to the limited calendar this evening and also to save the Community money.

Mr. Hannan mentioned that he attended the COAH seminar by the New Jersey Planning Organization the previous Friday; he attended at his own expense. There will be huge changes and there is a task force, which was put together by the Governor to review and make recommendations. Senator Lesniak has a Bill, S-1 and within the next couple of months there will be a huge change in COAH and Affordable Housing requirements throughout the State. Mr. Brady asked Mr. Hannan after reviewing the changes, is it making the process any simpler and Mr. Hannan responded absolutely, especially if they agree to the recommendations of the task force. Mr. Hannan feels it will be straightforward and there will be no prior obligations like we have now. Generally, it will be 10 % of any new development that occurs and since there is no new development here it will be a simple formula. S-1 is complicated but is better than what is in existence now and in another week or two the Governor will come out with his own recommendations and since he has veto power and if S-1 does not coincide with what the Governor wants then he does not feel S-1 will be implemented. It will change drastically, the governor has in the past listened to his transition reports and done things based on the transition reports. There is a problem with a Court case that was filed when the COAH regulations were suspended in January and the courts may be holding off on a ruling hoping there will be new regulations in place but if they wait too long they could have a court ruling which will throw a monkey wrench into the whole thing. There are different scenarios, the Governor could

change regulations, he could have his own piece of legislation or he could end up signing S-1, which would probably pass by the Senate and Assembly by May. However, looking at S-1 and the task force report side by side, the task force report is simple, easy to understand and pretty straight forward and S-1 is more bureaucratic but both would be better than what we have now. Mr. Brady thanked Mr. Hannan.

**Motion and Second to adjourn the meeting**

**All in favor to adjourn the meeting of April 27, 2010**

**Opposed: none**

**Meeting adjourned at 8:08 p.m.**

**Adopted: May 25, 2010**

Respectfully submitted by,

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Denyse L. Todd, Secretary  
Zoning Board of Adjustment