

**MINUTES**  
**Of the Township of West Milford**  
**ZONING BOARD OF ADJUSTMENT**  
**August 27, 2013**  
**Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:39 p.m. The Board Secretary read the Legal Notice.

**Pledge**

The Chairman opened the meeting. Mr. Gerst and Mr. Space were asked to sit at the dais in place of the absent Board Members. The Chairman explained about the Board of Adjustment, the Open Public Meetings Act of the State of New Jersey, appeals go to the Superior Court of the State of New Jersey. He introduced the Board Attorney. The Meeting follows a printed agenda, which is on file in the Clerk's office and posted on the bulletin board. If needed a break will be taken at approximately 9:00. There are no new applications after 10:30, no new testimony after 11:00. The applicant explains the application first then anyone speaking for or against the application is given the opportunity to do so on a case-by-case basis.

**Roll Call**

**Present:** Steven Castronova, Frank Curcio, Arthur McQuaid Michael Siesta, Michael Gerst, Clint Space, Robert Brady

**Also Present:** Stephen Glatt, Board Attorney, Michael Cristaldi, Board Engineer, Denyse Todd, Board Secretary

**Absent:** Russell Curving and James Olivo and William H. Drew, Board Planner

**MEMORIALIZATIONS**

There were no Resolutions available.

**MICHAEL TESEI**  
**BULK VAR. ZB07-13-06**  
Block 14113; Lot 1  
7 Berry Lane; LR Zone

Bulk variance requested for a six foot fence in a front yard where four is allowed. The Board Attorney swore in the applicant Michael Tesei of 7 Berry Lane. Mr. Tesei introduced himself and his wife Kristen. Mr. Tesei indicated that they are before the Board to request a bulk variance for a 6 foot fence on a small part of their property, the reason being they have three dogs and two of them are police canines, he is a detective with the Essex County Sheriff's Department. The attorney indicated that Mr. Tesei needed to explain to the Board about his property, the topography, what types of constraints, what the existing fence was like. He did not realize that his property fronted three roads which makes it three front yards. The applicant indicated that the gate for the fence would be on the left looking at the house and on the right side just to close off the immediate back yard. There is a pre-existing 3 foot post and rail fence. They would like to continue with a four foot fence in the future. Mr. McQuaid confirmed that if the street was not behind them, the fence would be in the back yard. Mr. Tesei agreed.

Mr. Tesei indicated that the reason for the variance is for the 6 foot height variance so he can close in the yard once he gets extra money, he would like to continue the post and rail fence across the back. Mr. Glatt asked if he had a copy of the survey that the Board had and the applicant did. Mr. Glatt indicated that the Board Engineer/Planner for the evening had an aerial photograph of the property and without any objection would introduce it as Board Exhibit B-1. Mr. Glatt asked if he would take a copy, Mr. Glatt indicated that the applicant seemed to be asking the Board to permit him to extend the 3 foot post and rail fence but make it 4 feet along Forest Hill Drive. The first to be addressed is the 6 foot fence which requires a height variance. The attorney indicated that the plan (survey) that the applicant provided depicts a red line that makes 90 degree turns which represents the 6 foot vinyl fence that the applicant is trying to get approval for and below that it says 4 foot post and rail and that is marked in blue it goes along a pre-existing retaining rock wall, presently there is no fence and he would ultimately like to put a post and rail fence with wire meshing through it.

Mr. Glatt indicated that he did not need a variance to permit him to put a 3 or 4-foot post and rail fence and he needed to explain why he needed a 6 foot fence. There reasons being he has the dogs and wants to keep them in the yard, he has 3 front yards to their property and he was not aware of it until the zoning was filed, there is a hardship. The application was amended to remove the 5 foot black chain link fence from the application. The 6-foot vinyl fence will not be going around the whole yard. The applicant indicated he wanted two gates and a section of fencing. The post and rail fence is not being discussed. The applicant indicated that the Police Department concerns are not really a concern because plan he submitted indicated a fence around the whole yard, in fact the fencing that he is installing is where the rock wall or split rail fence has stopped. The Board will not be dealing with the 4 foot fence. The applicant was asked to show the Board on the aerial photograph B-1 where the fence will be going. The applicant showed the home and the pre existing split rail fence, the 2 gates and the 6 foot fence. It matches the red lines on the survey. The Chairman recapped that the red lines on the survey are where the 6 foot fence is going and the blue is the split rail fence. The Board Engineer indicated and then the Board Attorney reiterated that the split rail fence is on a Township Right-of-way. If it was not a road and it was a neighbor, they could make him move the fence. He should be concerned to not locate the fence in the wrong place and it would behoove him to move it in a bit so it is within the property line. Make sure there is no blocking for sight distance. This was for edification. Mr. Cristaldi indicated that the common property line between the applicant and the neighbor should be checked to make sure it is in the correct location and the nice side of the fence should face the neighbor. A Board Member asked why 6 feet and the applicant indicated for the dogs to run free and the rock wall is about 5 ½ feet. When they have enough money they want to entirely close in for when they have kids. There is another dog that roams on the road. The Board Engineer asked if Berry Lane was lower than Forest Hill and it is. Mr. Cristaldi also asked how he will enclose the yard could something get out by the Air Conditioner and there will be a 6 foot gate there. Mr. Brady asked if there were any additional discussion of Board Members.

**Motion by Arthur McQuaid** to approve Bulk Variance No. ZB07-13-06, Block 14113; Lot 1, 7 Berry Lane, LR Zone. This an approval for the amended variance the 4 foot black chain link fence was not considered. The six foot fence outlined in red on the survey map. The hardship is that there are 3 streets on the sides of it so it only has front yards no side yards. It will be difficult to close it off. There are concerns because of the dogs used with the police department. Also, he is not from the area and wants to keep bears out.

**Second by Michael Gerst**

**Roll Call Vote:**

**Yes:** Steven Castronova, Frank Curcio, Arthur McQuaid, Michael Siesta, Michael Gerst, Clint Space, Robert Brady

**No:** none

Mr. Brady explained the 45 day appeal period after the memorialization is advertised.

The Board Members asked for additional information and description on the bills for the Alaimo Group, it only lists engineering services.

Mr. Glatt indicated that the professional bills directly related to a specific application are billed from the applicant's escrow. The applicant can question any bills. The newer members of the Board were not aware of the process. Mr. Glatt gets the meeting from the contract amount but any bills related to the application are billed against the applicant's escrow. If the applicant has any questions about a bill, they can contest any portion under the municipal land use law.

**Motion by Steven Castronova to approve Mr. Glatt's bills**

**Second by Clint Space**

**All in favor to approve Stephen Glatt's bills**

**Motion by Steven Castronova**

**Second by Frank Curcio**

**All in favor to approve William H. Drew's bills**

**Motion by Steven Castronova**

**Second by Clint Space**

**All in favor to approve Alaimo - Michael Cristaldi's bills**

**Motion by Steven Castronova to approve the minutes of June 25, 2013**

**Second by Michael Siesta**

**All in favor to approve**

**Motion by Michael Siesta to approve the minutes of July 23, 2013**

**Second by Steven Castronova**

**All in favor to approve.**

**No Communications**

**Motion by Michael Gerst to adjourn the meeting of August 27, 2013**

**Second by Steven Castronova**

**All in Favor to adjourn the meeting**

**Meeting adjourned at 8:20 p.m.**

**Adopted: October 22, 2013**

Respectfully submitted by,

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Denyse L. Todd, Secretary  
Zoning Board of Adjustment