

MINUTES
Of the Township of West Milford
Zoning Board of Adjustment

August 22, 2006
Regular Meeting

7:33 p.m.

Linda Lutz, Principal Planner/Board Secretary, opened the meeting with the reading of the legal notice.

1. Pledge

Mr. Brady asked all attendees to join him in the recitation of the Pledge of Allegiance.

2. Roll Call

Present: Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Ed Spirko, William Lynch and Robert Brady.
Stephen Glatt, Board Attorney; Linda Lutz, Board Planner and Secretary.

Late: Ada Erik (arrived at 9:10 p.m.)
Richard McFadden, Township Engineer (arrived 7:45 p.m.)

Absent: None

Mr. Brady, Board Chairman, asked William Lynch to sit for the absent member. He further indicated that there is a seven-member Board for this evening. He then gave an overview of Board procedures.

3. Request for Carry

Robert & Renee Pasek
Bulk Variance #0630-0737

Block 4005; Lot 4

25 Board Road; LR Zone

Rita Pasek, Esq., and Robert Pasek, applicant, appeared before the Board to explain that the applicants have decided to hire a planner and, therefore, need time to pursue that professional.

Motion by Mr. Hannan to carry the application to the September 26, 2006 meeting.

Second by Mr. McQuaid.

On voice vote, all were in favor

Motion carried.

No further notice or advertising is necessary.

4. Memorializations

Resolutions 17-2006 and 18-2006 (presented by the attorney as one document)

Omnipoint Communications, Inc. (Apsawa Firehouse)

Use Variance #0540-0706, which was approved.

Preliminary and Final Site Plan #0520-0214, which was approved.

Motion by Mr. Spirko to memorialize the resolution.

Second by Mr. Hannan.

Roll Call vote:

Yes: Francis Hannan, Daniel Jurkovic, Ed Spirko and Robert Brady.

No: none

Motion carried.

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Mr. Glatt announced that the resolutions for the following applications have not been prepared and should be scheduled for memorialization for the September meeting:

Resolution 13-2006

Vincent Lanza (Flanders)

Bulk Variance #0430-0673, which was approved.

Block 2708; Lot 1, 5, 6

Resolution 14-2006

Vincent Lanza (Flanders)

De minimis exception, which was approved.

Block 2708; Lot 1, 5, 6

Resolution 21-2006

Vincent Lanza (Lookover)

Bulk Variance #0530-0717, which was approved.

Block 206; Lot 14.02

Resolution 22-2006

Vincent Lanza (Lookover)

De minimis exception, which was approved.

Block 206; Lot 14.02

Resolution 23-2006

Sprint Spectrum, L. P.

Use Variance #0640-0730; Preliminary & Final Site Plan #0620-0226AB, which was dismissed without prejudice.

Block 1701; Lot 59

Resolution 24-2006

Marten Richardsen

Variance #0630-0735, which was approved.

Block 1604; Lot 1.02 (West Milford)

Block 61; Lot 19 (Vernon)

Resolution 25-2006

Nancy and Roy Ruys

Bulk Variance #0630-0738, which was approved.

Block 6503; Lot 1

Resolution 26-2006

David and Kimberly Borer

Bulk Variance # 0630-0739, which was approved.

Block 5604; Lot 2

Resolution 27-2006

Mark and Dawn Nowacki

Bulk Variance #0630-0733, which was approved.

Block 14901; Lot 20

Resolution 28-2006

Donald Weise and Connie Burton

Bulk Variance #0630-0742, which was approved.

Block 7605; Lot 5

5. Applications

Case called at 7:42 p.m.

Siobhan and Donald Partington

Appeal #0680-0736

Block 11103; Lot 5.02

Snake Den Road; R-4 Zone

Appeal of a decision of the Zoning Officer pursuant to the MLUL C.40:55D-70a.

Mr. Glatt stated that he continues to have difficulty securing a substitute attorney to hear this case. He explained that he had someone initially willing to take his spot, but then advised the individual not to come to the meeting. The Board and Mr. Glatt explained that the most current delay in finding an attorney results from a letter written by Robert E. Nolan, West Milford Township Council Member, to Mr. Richard Kunze, dated July 31, 2006 and the response from Mr. Kunze to Nolan dated August 12, 2006. In his letter, Nolan questions the validity of Mr. Glatt's contract. Mr. Glatt stated he would not ask a colleague to subject himself to the goings-on of West Milford. Mr. Jurkovic agreed with that position and stated that these ridiculous actions are interfering with the Board carrying out its responsibilities. The Board noted that Mr. Glatt was not copied on either of the letters. Mr. Glatt raised the issue of default approval. He does not believe that an appeal has a deadline. He advised Mr. Partington to do what he feels is necessary.

Mr. Partington stated he wished to give an extension and be carried to the next meeting.

Motion by Mr. McQuaid to carry the application to the September 26, 2006 meeting.

Second by Mr. Severini.

On voice vote, all were in favor

Motion carried.

No further notice or advertising is required. The applicants provided to the Board a 45-day extension.

Case ended at 8:05 p.m.

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Case called at 8:05 p.m.

Martin Nordsvan

Complete June 19, 2006

Bulk Variance #0630-0743

Deadline October 17, 2006

Block 4403; Lot 4

21 Phillips Rd.; LR Zone

Requested: Relief pursuant to MLUL C.40:55D-70c for fence height in a front yard.

The applicant did not appear when the case was called. Mrs. Lutz indicated that Mr. Nordsvan had called the office a few days ago to confirm his place on the agenda. The Board wanted to give the applicant a chance to get to the meeting.

8:09 p.m.

Motion by Mr. Jurkovic to have a 15-minute break to enable the applicant a chance to get to the meeting. Mr. Glatt noted that there were two individuals in the audience, one was a reporter and the other was a gentlemen who he did not know.

Second by Mr. Hannan.

On voice vote, all were in favor.

Motion carried.

8:29 p.m.

Return from break. Roll call: Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Ed Spirko, William Lynch and Robert Brady. Stephen Glatt, Board Attorney; Richard McFadden, Township Engineer; Linda Lutz, Board Planner and Secretary.

During the break, Mr. Brady, using his own personal phone and minutes, called the applicant to ascertain if he was planning to be here this evening. He learned that the applicant had forgotten about the meeting and was in Bergen County. He apprised the Chairman that he would be to the meeting as soon as possible.

In the meantime, the Board continued with other business.

6. Miscellaneous

Mr. McQuaid presented a draft letter to be sent to the Mayor from the Board in response to the West Milford "Sunshine Act." Several of the Board members expressed opinions about how much this Act will cost the Township; the danger and cost of having an open hour for the public; the fact that the State already has an Open Public Meetings Act; the disgraceful, outlandish idea of having the members' children's names and addresses on the World Wide Web; *inter alia*. Mr. McQuaid indicated he would amend the letter pursuant to tonight's discussion and re-present it next month.

7. Applications (re-visited)

Case called at 8:54 p.m.

Martin Nordsvan

Complete June 19, 2006

Bulk Variance #0630-0743

Deadline October 17, 2006

Block 4403; Lot 4

21 Phillips Rd.; LR Zone

Requested: Relief pursuant to MLUL C.40:55D-70c for fence height in a front yard.

Sworn witness: Martin Nordsvan, applicant, 21 Phillips Rd., Hewitt.

He indicated that his property is irregularly-shaped (triangle). Mrs. Lutz explained that the portion of the fence that is in front of the house is in the front yard. Mr. Nordsvan stated that the solid part of the fence is five feet high, but he wishes to put a decorative piece on top, thereby making it six feet. Mr. McFadden indicated that sight distance of 150 feet is necessary. The information must be shown on revised plans. The fence may not be within the 150-foot sight distance triangle.

The matter was opened to the public. No one wished to be heard.

Motion by Mr. Spirko to close the public portion.

Second by Mr. Severini.

On voice vote, all were in favor.

Motion carried.

Motion by Mr. Spirko to approve the variance conditioned on revised sealed plans showing a minimum 150-foot sight distance such that it does not impede the sight distance from the adjacent Block 4403; Lot 2.

Second by Mr. Lynch.

Roll call vote:

Yes: Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Ed Spirko, William Lynch and Robert Brady.

No:

Motion carried.

Case ended at 9:09 p.m.

8. Minutes

Motion by Mr. Lynch to approve the minutes of the July 25, 2006 meeting, as presented in the draft by the Board Secretary.

Second by Mr. Brady.

On voice vote, all were in favor.

Motion carried.

Mr. Hannan indicated that he was not present at the subject meeting and so did not vote on the approval of the minutes.

9:10 p.m. Ms. Erik arrived.

9. Miscellaneous (re-visited)

Mrs. Lutz apprised the Board of learning sessions by the DCA. She indicated she would send to the Board members copies of the DCA's notice and members should contact the dwindling Planning Department if they are interested in attending.

Mr. Brady apprised the Board of the letters from Nolan and Mr. Kunze (see page 3 herein, under the discussion of the Partington case).

Motion by Mr. Brady to not change any part of the contract with Mr. Glatt until such time as the contract period is up and it is time to re-negotiate the contract with him or another attorney anyway. He further wished that a memo be sent to Mr. Kunze that we are not going to change the contract.

Second by Ms. Erik.

Discussion:

Mr. McQuaid suggested the memo be addressed to the Mayor, as the "CEO" of the Township, with copies sent to the Administrator, attorney and Council, which was accepted by the Board.

Mr. Spirko asked if perhaps a meeting could be held between the interested parties, which was not accepted by the Board.

Roll call vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini,
Ed Spirko, William Lynch and Robert Brady.

No: none

10. Adjournment

9:24 p.m.

Motion by Ms. Erik to adjourn.

Second by Mr. Lynch.

On voice vote, all were in favor.

Motion carried.

Submitted by,

Linda M. Lutz, P.P.
Zoning Board of Adjustment Secretary