

**MINUTES  
Of the Township of West Milford  
ZONING BOARD OF ADJUSTMENT  
December 14, 2010  
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:48p.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 explained to all in attendance that three regular members were absent from the meeting and will require both alternates to take a place on the dais to make a 6 member Board. Mr. Brady explained the advertising procedures and the Open Meetings Act of the State of New Jersey. He introduced the Board Attorney and explained about the Agenda.

**Roll Call**

**Present:** Frank Curcio, Arthur McQuaid, Gian Severini, Russell Curving, Vivienne Erk and Robert Brady

**Also Present:** Stephen Glatt, Board Attorney, Robert C. Kirkpatrick, Interim Board Engineer and Substitute Planner, Denyse Todd, Board Secretary

**Absent:** Ada Erik, Francis Hannan, James Olivo, William H. Drew, Board Planner

**MEMORIALIZATIONS**

**PATRICIA A. DECKER  
RESOLUTION NO. 13-2010  
BULK VAR ZB01-10-02  
Block 7521; Lot 9  
16 Meadow Road; LR Zone**

**Motion by Arthur McQuaid** to memorialize Resolution No. 13-2010

**Second by Gian Severini**

**Roll Call Vote:**

**Yes:** Frank Curcio, Arthur McQuaid, Gian Severini, Vivienne Erk, Robert Brady  
**No:** none

**GAETANO T. RIDOLFO  
USE VARIANCE ZB-06-10-06  
Bulk Variance ZB-06-10-06  
Block 3702; Lot 1  
20 Laurel Ave., R-2 Zone**

The applicant's daughter Thomasina Gesamaria appeared on her father's behalf and explained that Mr. Ridolfo was in the hospital. She appeared to ask for a 60 day extension and had a request of extension that Mr. Ridolfo signed. The Board Attorney explained that noticing would need to be done to the property owners on the certified list and the newspaper advertisement as well at least 10 days before the meeting. Mr. Brady felt it would be the Board's pleasure to extend the application for 60 days. He appreciated that the applicant's daughter appeared along with an extension form. Mr. McQuaid wished his best to Mr. Ridolfo and thanked the applicant's daughter for coming to the meeting. Mr. Brady wishes his best as well.

**Motion by Arthur McQuaid** to extend the application for 60 days.

**Second by Gian Severini**

**Roll Call Vote:**

**Yes:** Frank Curcio, Arthur McQuaid, Gian Severini, Russell Curving, Vivienne Erk,  
Robert Brady

**No:** none

**GARY GALLUCCI**  
**BULK VARIANCE ZB10-10-11**  
Bl 2701; Lot 18  
117 Lakeshore Drive, LR Zone

Gary Gallucci, 8 Milton Court, West Milford and Mark Palus, Engineer from MAP Engineering, 170 Kinnelon Road, Kinnelon were sworn in by the Board Attorney. Mr. Palus was asked to present his credentials to the Board. He has a Bachelors and Masters Degree in Civil Engineering from Rutgers University, Licensed Professional Engineer and Planner in New Jersey. Licensed engineer for 14 years and 12 years as a Planner. He is the Principal of MAP Engineering and has owned it for 10 years. He has appeared before this Board for the initial application for this applicant.

Mr. Glatt explained that it is usually a 7 person board and we have 6. It only requires a majority vote however, if there is a tie 3-3 then the application will be denied. Mr. Gallucci had no reservations about continuing.

Mr. Gallucci wanted Mr. Palus to explain about the original application and Mr. Glatt asked for him to explain it. Mr. Gallucci explained that the house was constructed as planned but the waste system is in the front and because of the proximity to the field, he only has a crawl space instead of a basement. He only has an 8-foot area for a mechanical room. Originally there were stairs under the deck to access it for servicing but when demolishing the old house, he hit rock because the bungalow was not built on a foundation. There was ledge rock beneath the surface and the excavator told him no stairs in that location. He had to come up with another plan. This was submitted and approved by the construction department. The stairwell when constructed was 20" on the neighbor's property. The stairwell was put on the property line but narrow and the stairwell could not accept the bilco door because of the narrowness. The elements cause a problem and he wanted the stairwell covered. The boiler made it down just barely.

Mr. Palus showed plans showing what Mr. Gallucci explained with regard to the original plans and approvals. Instead of the 3 yard setback originally approved they are to the property line. The remainder of the house was constructed as approved. Mr. Palus explained that Mr. Gallucci needed access to the mechanical room. There is no other access besides the side entrance. The lot is undersized. It is a relatively minimal impact to the side neighbor and they are aware of the situation. They cannot make the staircase narrower; it is only 3 feet wide now. A board member asked about a block pad and the applicant explained that the propane tank was originally going to be placed there but they needed to use a direct vent boiler instead. The pad is there because it is poured.

There is a survey that the Board has that shows the functioning swale, the applicant's Engineer pointed out. The original house was 2 1/2 feet off of the side property line and the applicant slid it back an additional six inches to make it three feet, however with the cover it reduces the setback to zero. The building coverage was originally 14.9 % it was approved at 20.41 % and it is now 21.81 %.

Mr. Brady asked the Board if anyone had questions. Mr. Glatt asked Mr. Palus as a Planner whether or not the necessity of the changes now make it a detriment to the zoning scheme, or neighborhood. Mr. Palus commented that the property is so far outside the LR Zone requirements as well as a neighborhood outside the requirements. The lot is 3,723 sf instead of the required 20,000 sf. The house is in character with the neighborhood. It is a newer home and an upgrade to what was there. The stairwell is negligible. The neighbor has no problem with it.

The Board Engineer asked about the Engineering Department's comment about the driveway. The swale that was discussed is the same swale. There is no additional runoff. The swale was never changed. The neighbor had no complaints. Mr. Brady asked if utilities could be changed with the narrowness and Mr. Gallucci said the boiler was the largest and it made it. Mr. Brady asked if there were any more questions of the Board members.

The application was opened to the public. Seeing no one for or against the application Vivienne Erk moved to close the public portion. Second by Arthur McQuaid. All in favor to close the public portion.

**Motion by Gian Severini** to approve Bulk Variance #ZB10-10-11; Block 2701; Lot 18, 117 Lakeshore Drive in the LR Zone request for lot area required is 2 Acres with 1.08 acres existing; Lot depth required 225.0' with 206.6' feet existing, side yard setback required is 40 feet with 30 feet proposed front yard set back required is 75 feet with 30 feet proposed. Mr. McQuaid added to the motion that testimony regarding the necessity of the stair well being covered to access the mechanical room, which would contain the heat and hot water systems. When constructing they found there was ledge rock which prevented them from doing certain things. The Township accepted the construction plans. They needed to construct the roof to protect it from the elements. The applicant and his planner gave testimony that this did not upset the neighbors, there was no detriment to the community and there were no neighbors for or against the project.

**Second by Arthur McQuaid**

**Roll Call Vote:**

**Yes:** Frank Curcio, Arthur McQuaid, Gian Severini, Russell Curving, Vivienne Erk, Robert Brady

**No:** none

Mr. Brady informed the applicant that decision should be memorialized at the next meeting and after that it would be advertised.

**LYNN STEWART**

**BULK VARIANCE #ZB11-10-12**

Block 2605; Lot 17

42 Point Breeze Dr, LR Zone

Lynn Stewart of 42 Point Breeze Drive and Pete McPhee, Project Manager for Total Renovations, 1767 Route 22 West, Union NJ. He does not hold any professional licenses. Mr. Brady asked the applicant if it was her wish for Mr. McPhee to make part of the presentation and she said yes.

Mr. McPhee started the presentation by passing out a photograph marked into evidence as A-1 it is a sheet with three photographs which were marked A, B and C. Ms. Stewart wants to have a carport built because she has no coverage over her driveway and during the winter months it is very precarious for her to get to and from the house. A-2 of the plan shows the floor plan with the side and front elevation. The deck will be expanded to encompass the carport so the stairs will have coverage also. The sides will not be enclosed. The back portion has bilco doors and there is an existing window. It will not be attached to the house where indicated on the plans. Mr. Brady asked if the roofline will be similar to what is depicted on the plan and Mr. McPhee said yes. Mr. Brady asked about the runoff and was told there would be a gutter on the back fascia of the roof and on the front the back portion will have the leader spout will be on the outside corner of the roof along the side of the driveway area. Mr. Brady asked if Mr. McPhee anticipates a tremendous amount of increased runoff because of the roof. Mr. McPhee said no. Mr. Brady asked if there were seepage pits and the applicant said no.

Mr. McQuaid asked about a walkway on the front page of the plan and there is a pathway going to the back of the house and they are pavers. She has lived there for five years. Mr. Glatt asked if there were other houses in the neighborhood with carports or garages and was told up the block but not in her immediate area. Mr. Glatt asked if the construction of the carport in any way would be detrimental to the neighbors or zoning scheme and she said a neighbor came over and spoke to her about it and he said ok. She feels it would be an improvement. She works shift work and needs coverage for herself as well as two small dogs. Mr. McQuaid asked again about the attachment of the carport he wanted to know if it was free standing. Mr. McPhee said it will tie in to the existing roof over the porch. Mr. Brady asked if there were any questions of Board Members or of the applicant there was no one.

The application was opened to the public. Seeing no one for or against the application Vivienne Erk moved to close the public portion. Second by Gian Severini. All in favor to close the public portion.

Mr. McQuaid stated that sometimes it is nice to get your car out of the weather especially when there is snow, wind or rain and an armful of groceries.

**Motion by Arthur McQuaid to grant** Bulk Variance No. ZB-11-10-12; Bl. 2605; Lot 17, 42 Point Breeze Drive, LR Zone. Testimony was given that it was the ideal place to put on the house and it is good to be able to have a spot to be able to get out of the bad weather while you are

loading and unloading your car. Testimony stating neighbors have no problem with it there has been nobody in the audience to object to it. Testimony was given that it is not detrimental to the neighborhood and there are homes down the street with garages.

Mr. Glatt asked Mr. McQuaid if a condition could be added requiring the applicant to submit revised architecture plans showing exactly the details of how it is going to be attached to the house. Mr. McQuaid added that to the motion.

**Second By Russell Curving**

**Roll Call Vote:**

**Yes:** Frank Curcio, Arthur McQuaid, Gian Severini, Russell Curving, Vivienne Erk,  
Robert Brady

**No:** none

Mr. Brady informed the applicant that they have the variance and it should be memorialized at the January 25, 2011 meeting and then advertised. The revised plans will need to be submitted before that so the resolution can be memorialized. If construction takes place, it is at the risk of the applicant if done before the 45 day period after advertising the memorialization. Mr. Glatt explained the legalities if permits were pulled and the construction started, someone could appeal to the Supreme Court. The memorialization makes it official. The revised architectural drawings should be in the office 10 days before the next meeting.

**DISCUSSION**

Mr. Brady pointed out that the Secretary handed out letters from the Board Attorney and Board Planner requesting reappointment for 2011. It will be discussed at the Reorganization Meeting. Mr. Brady asked if there were questions and there were none.

Mr. Brady advised the Board that an email was received from Alaimo Engineering Group and they have lowered their rates, it is nice that they are trying to accommodate the needs in West Milford. The Secretary will construct a template for the contract once Alaimo gives the information.

**APPROVAL OF INVOICES FOR PROFESSIONALS**

**Motion by Russell Curving** to approve invoices for Stephen Glatt

**Second by Frank Curcio**

**All in favor to approve the invoices**

**Motion by Gian Severini** to approve invoices for Robert Kirkpatrick

**Second by Vivienne Erk**

**All in favor to approve the invoices**

**Motion by Vivienne Erk** to approve the minutes of November 23, 2010 with the correction that Michael Cristaldi attended on behalf of Alaimo Engineering.

**Second by Gian Severini**

**All in favor to approve the minutes of November 23, 2010**

**All expressed wishes for a Happy Holiday.**

**The Reorganization will begin at 7:00 p.m. and the Regular meeting will follow at 7:30 p.m.**

**Motion by Vivienne Erk** to adjourn the meeting of December 14, 2010

All in favor to adjourn the meeting of December 14, 2010

**Meeting adjourned at 8:43 p.m.**

**Adopted: January 25, 2011**

Respectfully submitted by,

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Denyse L. Todd, Secretary  
Zoning Board of Adjustment