

**MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
February 22, 2011
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 asked all in attendance to join in the Pledge of Allegiance.

The Chairman asked the two alternates Russell Curving and Vivienne Erk to take a seat on the dais in place of the two regular members that are absent. The Chairman explained to the public about the Board of Adjustment and the publication. He also explained the Open Public Meetings Act of the State of New Jersey. Appeals go to the State of New Jersey.

Roll Call

Present: Ada Erik, Steven Castronova, Frank Curcio, Arthur McQuaid, Russell Curving, Vivienne Erk and Robert Brady

Also Present: Stephen Glatt, Board Attorney, William H. Drew, Denyse Todd, Board Secretary

Absent: James Olivo, Gian Severini

MEMORIALIZATIONS

Resolution No. 1-2011

Stephen B. Glatt, Board Attorney

Motion by Ada Erik to approve Resolution No. 1-2011

Second by Steven Castronova

All in favor

opposed: none

Resolution No. 2-2011

William H. Drew, Board Planner

Motion by Ada Erik to approve Resolution No. 2-2011

Second by Vivienne Erk

All in favor

opposed: none

Resolution No. 3-2011

Robert C. Kirkpatrick, Substitute Planner

Motion by Ada Erik

Second by Frank Curcio

All in favor

opposed: none

Resolution No. 4-2011

Michael Christaldi, Alaimo Group, Board Engineer

Motion by Ada Erik

Steven Castronova

All in favor

opposed: none

LYNN STEWART
RESOLUTION NO. 7-2011
BULK VARIANCE #ZB11-10-12
Block 2605; Lot 17
42 Point Breeze Dr, LR Zone

Motion by Russell Curving to memorialize Resolution 7-2011
Second by Vivienne Erk

Roll Call Vote:

Yes: Frank Curcio, Arthur McQuaid, Russell Curving, Vivienne Erk and Robert Brady
No: none

GAETANO T. RIDOLFO
RESOLUTION NO. 8-2011
USE VARIANCE ZB-06-10-06
Bulk Variance ZB-06-10-06
Block 3702; Lot 1
20 Laurel Ave., R-2 Zone

MOTION BY Ada Erik to memorialize Resolution 8-2011
SECOND BY Frank Curcio

Roll Call Vote:

Yes: Ada Erik, Steven Castronova, Frank Curcio, Arthur McQuaid, Robert Brady
No: none

TARA AND BRIAN FROMMELT
BULK VARIANCE NO. ZB11-10-13
Block 7001, Lot 5
41 Edgecomb Road R-2 Zone

The Board Attorney swore in Tara and Brian Frommelt of 41 Edgecomb Road, West Milford, NJ. The Chairman asked who would be starting the testimony and Mrs. Frommelt is going to begin testifying. They are applying to put a covered porch on the house, they are putting a second level addition on the house and it will require a cantilever out so they wish to put a covered porch on the home.

The Chairman explained that the Board requires reasons that they need to do this and require a variance. The Board requires zoning reasons why it cannot be done another way. Mrs. Frommelt explained that they want to move the bedrooms to the second level for security purposes. They are uncomfortable being on the first floor, there are questionable people who reside in their neighborhood and it would make them feel more comfortable if the bedrooms were on the second floor. The porch would add security as well not leaving them so vulnerable to the people that live in the neighborhood. Mr. McQuaid asked if there was currently a porch and Mrs. Frommelt explained there was a stoop with an overhang. They will add to the stoop that is currently there just carrying it over to a portion in front of the house and covering it.

Mr. Brady brought up the fact that the Planner, Mr. Drew explained that there was a discrepancy with the application it states that it is 44 feet requested and in fact it is 46 feet. Mr. Brady asked what the current setback is and Mr. McQuaid brought up that if there is currently a 46-foot setback and they are only extending across the front of the house that it would still be 46 feet. There would be one step not covered.

Mr. McQuaid stated that you have an existing house and cannot move the house backward and Mr. Frommelt explained that the back of the house has the septic system. Mr. McQuaid also stated that you could not do it on the side of the house because you would not have the side coverage that you need.

Mr. Castronova indicated that he had the opportunity to go to the house and take a look and there were steps from the front door approximately 2 feet and it seemed to be safer with a covered porch then walking up a concrete slab and getting in the front door. He felt they did a great job and it will be an asset to the community. Mr. and Mrs. Frommelt thanked Mr. Castronova for his comment.

Mr. Brady asked if the applicants had anything additional. Mr. Frommelt added that everyone in the neighborhood has basically everything that they have and it will be in conformance with the

neighborhood. There is nothing fancy. There is no negative impact. Mrs. Frommelt added that there were 6 or 7 other homes with covered porches. Mr. Brady asked if there was anything additional of Board Members and if the applicant had anything to add and asked them to sit down.

Mr. Brady opened the meeting to the public.

Ada Erik after seeing no one for or against the application moved to close the public portion. All in favor to close the public portion.

Mr. Brady wanted any comments or a motion. A Board Member asked about the Health Department Memo. There was an additional memo from Health dated February 17, 2011, that the requirements were: home to remain a two bedroom dwelling and the applicant does not encroach on individual sub surface sewerage disposal system or well. There is a shared well with a neighbor.

Mr. McQuaid explained that it was a two bedroom home that they would be raising the roof on and having the bedrooms upstairs instead of downstairs. That area is mostly two bedroom homes originally. Many homes on Edgecomb have done exactly this added a second floor and moved the bedrooms. There are no lots to purchase except for maybe a floodplain area on the street. There is already a covered porch all they will be doing is extending it width wise all the way across the front instead of just the stoop.

Motion by Steven Castonova to approve the application for a front yard setback it was explained that reasons were needed to support the motion. Mr. Glatt indicated that the reason the Board was doing this is because it will conform to the neighborhood, the applicant is really just expanding in a way that really has no negative impact. By expanding an existing stoop to make the property more accessible, more safe and they are not increasing the variances being granted in order to permit any additional living space strictly to shield people from inclement weather, give them an opportunity for a place to sit, and there is nothing negative and there is no available property to eliminate the variances. As Mr. McQuaid pointed out even if moved they would run into problems and considering the configuration with the front of the home with the circular driveway it fits.

Second by Russell Curving

ROLL CALL VOTE:

YES: Ada Erik, Steven Castronova, Frank Curcio, Arthur McQuaid, Russell Curving, Vivienne Erk, Robert Brady

No: none

Mr. Glatt explained that permits could not be pulled until the memorialization and technically 45 days from the publication in the newspaper, which is the appeal period.

Motion by Ada Erik to approve Mr. Glatt's invoices.

Second by Steven Castonova

All in favor to accept the invoices.

Motion by Ada Erik to approve Mr. Drew's invoices.

Second by Frank Curcio

All in favor to accept the invoices.

Motion by Ada Erik to approve Mr. Kirkpatrick's invoices.

Second by Frank Curcio

All in favor to accept the invoices.

Motion by Steven Castronova to approve the Reorganization Meeting Minutes of January 25, 2011.

Second by Vivienne Erk

All in favor

Motion by Ada Erik to approve the Regular Meeting Minutes of January 25, 2011.

Second by Russell Curving

All in favor

Mr. Glatt asked if there was a need for him to change the May 24, 2011 meeting to a week later, would everyone be in agreement.

Mr. Brady asked members all in favor of possibly moving the May 24, 2011 meeting to May 31, 2011.

All in favor

Opposed: none

Motion by Ada Erik to adjourn the meeting of February 22, 2011.

Second by Vivienne Erk

All in favor to adjourn the meeting of February 22, 2011

Meeting adjourned at 8:15 p.m.

Adopted: March 22, 2011

Respectfully submitted by,

Denyse L. Todd, Secretary
Zoning Board of Adjustment