

MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
July 22, 2008
Regular Meeting

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:36 p.m. The Board Secretary read the Legal Notice.

Pledge

The Chairman asked all in attendance to join in the Pledge of Allegiance

Roll Call

Present: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Barry Wieser, Frank Curcio, Robert Brady

Also Present: Stephen Glatt, Board Attorney, William Drew, Planner, Richard McFadden, Board Engineer, and Denyse Todd, Board Secretary

Absent: William Lynch

Mr. McQuaid arrived after roll call but was present for the full meeting.

Mr. Brady asked Mr. Wieser to sit in for Mr. Lynch. He also explained the Open Meetings Act. There is a 7 member Board with Mr. Wieser. Mr. Brady explained the procedure for the Zoning Board of Adjustment as well as the appeal process. He also introduced the Board Attorney and discussed the format for the meeting.

MEMORIALIZATIONS

RESOLUTION NO. 9-2008
CHARLES AIKEY
FINAL SUBDIVISION 0410-1950C Section I
Block 9501; Lot 19.02, R-3 zone
144 Wesley Drive

Action: Granted time extension for one year.

Motion by Ada Erik to memorialize resolution No 9-2008
Second by Francis Hannan

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Barry P. Wieser, Frank Curcio, Robert Brady
No: none

RESOLUTION NO. 10-2008
VINCENT LANZA
INTERPRETATION #0870-0803
Block 9501; Lot 12; R-3 Zone
1383 Macopin Road

Action: Denied the applicant's interpretation of The Historic Preservation Ordinance, Chapter 500, Section 147

Motion by Ada Erik to memorialize Resolution No 10-2008
Second by Arthur McQuaid

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid,
Barry P. Wieser, Frank Curcio, Robert Brady

No: none

RESOLUTION NO. 14-2008

ILAN WAISBROD

BULK VARIANCE #0730-0794

Block 11101; Lot 29, R-4
450 Snake Den Rd.

Action: Approval for the greenhouse that was built without permits, conditional upon building of a breezeway to connect to the main structure of the property, and any building permits, approvals that may be required.

Motion by Gian Severini to memorialize Resolution No. 14-2008

Second by Ada Erik

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Gian Severini, Barry
Wieser, Frank Curcio Roberty Brady

No: none

RESOLUTION NO. 15-2008

SCOTT R. FLAMMER

Bulk Variance #0730-0796

Block 5611; Lot 4, LR Zone
99 Center Street

Action: Approval of bulk variance for construction of a detached garage.

Motion by Ada Erik to memorialize Resolution No 15-2008

Second by Gian Severini

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Gian Severini, Barry
Wieser, Frank Curcio, Robert Brady

No: none

RESOLUTION NO. 17-2008

Action: Extension of contract for Zoning Board of Adjustment
Planner.

Motion by Ada Erik to memorialize Resolution No. 17-2008

Second by Barry Wieser

Roll Call Vote:

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

No: none

RESOLUTION NO. 16-2008

VINCENT LANZA

(LOOKOVER DRIVE)

Bulk Variance #0530-0717
Block 206; Lot 14.02

Resolution 21-2006 Bulk Variance Approval
Resolution 22-2006 with Di Minimis exception

Action: Approval of the requested amendment to Condition #2A of Resolution 21-2006.

Motion by Ada Erik to memorialize Resolution No. 16-2008
Second by Barry Wieser

Roll Call Vote:

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

GARY GALLUCCI
Bulk Variance #0830-0800
Block 2701; Lot 18
117 Lakeshore Drive, LR Zone

This application was carried from the meeting of June 22, 2008, additional advertising was required because this is a teardown, rebuild. Mr. Glatt swore in Gary Gallucci residing at 8 Hilton Court, Hewitt and Mark Palus of MAP Engineering, 170 Kinnelon Road, Kinnelon. Mr. Brady requested Mr. Palus' credentials and he is a licensed professional engineer and professional planner in the state of New Jersey, his licenses are active. He has been practicing land use engineering and planning for the past 14 years, appeared before 50 boards in New Jersey including this Board. BA and MA in Civil Engineering from Rutgers. The Chairman accepted the credentials.

Mr. Gallucci was asked to discuss his application. He is seeking variances to construct a home. He explained that Mr. Palus was going to speak on his behalf. Mr. Palus continued and stated that there is an existing two bedroom home, which is currently vacant, and it needs too much work to renovate. They are removing existing structure and building a new structure, which will remain a two-bedroom home. The septic system design has already been approved by the Health Department. Nonconformities are as follows: the lot predates the zoning requirements for the LR zone. There are existing nonconformities, which will not change. The lot size should be 20,000 square feet and this lot is 3,723 square feet. Lot width required is 120 feet and 38.6 feet exists this will not change. Lot frontage required is 120 feet, 40.14 feet exists and is proposed. Lot depth required is 120 feet and 60 feet exists. Proposed variances are side line setback easterly side the existing setback is 2 ½ feet. The proposed is 3 feet off of the property line, which is an improvement. Rear yard set back 1.6 feet, 60 feet is required and 8.8 feet is proposed some existing improvements are off of the property and this will allow them to be on the property this will increase the setback. The building height proposed is 32.3 feet, which is within allowable height of 35 feet. The building coverage allowable is 10%. The lot is too small for a house in the footprint allowable. Existing home has a building coverage of 14.9%, it is already over what is allowed. The new home will have lot coverage of 20.41%. Existing home is 556 square feet. The new principal structure will be 604 square feet with a covered porch and balcony. Totaling 156 square feet, which will not be living space. Combined the total additional square footage proposed is 760 which is still a modest home, which will fit in with the other homes in the area. There is no reasonable way to construct a home going by the ordinance with this size lot. There is no building envelope for this property.

Mr. Palus is addressing the Engineer's memo. Mr. Brady asked if the septic was already in place and he was told no it is a better septic system than what is there and it has been approved by the Health Department. The proposed disposal field is a greater distance from the well than the present seepage pit. The Board Planner explained that the placement is better.

1. Contour on west side of building related to the grading and he has no problem with the revision as well as other engineering issues.

2. Drainage details-runoff will be similar to present home discharge will be to the rear of the property towards the lake.
3. Hundred year flood elevation 1105 first floor 1113. He will add to plan
4. Driveway detail will be added.
5. Site distance was fine in January but with spring growth and vacant home they will remove brush. 200 feet site distance is required 400 feet to south and 270 feet to north on Lakeshore. Adequate site distance.

Mr. Brady asked if there were additional comments. Nobody responded opened to public. There was a motion and second to open to the public as required. Seeing no one Ada Erik made a motion to close public portion. Arthur McQuaid second. All in agreement to close public portion. The Chairman asked for Board comments or a motion.

Mr. McQuaid said he is not happy about the lot coverage being greater than 10 percent, but on a lot this size there is not much to be done. The variances being asked for will be an improvement to what is currently there. It shows someone is trying to improve the neighborhood. They can't enlarge the property and the covered porch and balcony will not be living space.

Motion by Arthur McQuaid to approve application.
Second by Ada Erik

Mr. Hannan also commented that the applicant agreed to the issues on Mr. McFadden's memo. Also other variances that were discussed. He also feels Highlands should look at these type of lots and state and county as open space and purchase at fair market value. Motion and second amended to add to motion.

Roll Call Vote:

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

APPEAL

**PETER ESPOSITO D/B/A
MOUNTAIN LAKES CARWASH
APPEAL #0880-0811
Block 6701; Lot 12; CC Zone
1946 Union Valley Road**

Douglas Kinz is the attorney for Peter Esposito and is prepared for a brief statement if it is alright with the Board. Mr. Glatt saw the papers relating to this matter and said that unless Mr. Kinz wants Mr. Esposito to testify it can be considered between Mr. Kinz and the Board. Mr. Kinz said that Mr. Esposito will be testifying and also needed to authenticate some exhibits that will be brought into evidence. Mr. Glatt swore in Peter Esposito. He lives at 40 Panorama Drive, Warwick, NY. He is the owner of the Mountain Lakes Car Wash. Mr. Kinz asked what full service meant, he said it is interior and exterior automated car wash, they also do oil changes and have been in business for four years and one month. They have a certificate of occupancy from 12/12/07 as full service car wash. There are 8-12 employees and this varies. There are photographs being brought into evidence marked as A-1 through A-4. The attorney marked them into evidence.

Mr. Kinz asked Mr. Esposito about the photographs and Mr. Esposito took them. They were taken in the spring. Exhibit A-1 is the front of the building with the mobile carport in the front left which is the exit of the carwash. The entrance is on the right side, which is where employees vacuum and windows are done before starting automation process. Mr. Kinz asked if the applicant ever considered having an enclosure for the employees either doing the pre-wash or drying process and he said yes. He also asked if they had an enclosure for the employees when the building was erected and Mr. Esposito said

not really. Employees who previously did the pre-wash work were outside and Mr. Esposito said that they were in a separate part of the building used prior which didn't serve their purposes. When a \$5.00 car wash was implemented in January, this was changed to allow a quick express lane and other customers who wanted full service could still benefit. Mr. Kinz asked what prompted the enclosure and Mr. Esposito said the employees were exposed to the elements. The employees at the exit drying off cars are in the wind area which predominately blows from west to east and there are also problems with the freezing of the conveyor where everything would be shut down and deicing would need to be done. By having the carport they get an extra 18 to 20 feet without the wind. Mr. Kinz asked Mr. Esposito if he installed the carport on the left side and he said yes.

It was purchased from a company in Slatehill, New York. Mr. Kinz asked if he required any building or zoning permits and he said no he did not. It was installed late October 2007. Mr. Kinz asked if the operation changed and it did not, there are no additional employees. Mr. Kinz asked if there came a time when someone said he had an illegal accessory structure there and Mr. Esposito said yes in January 2008. He was told this from an official he didn't recall whom. He was told he needed a permit for this. He wasn't aware he needed a permit and went to Town Hall and requested a zoning permit as it helped his business and wanted at the same time like to apply for an additional carport. A-5 was marked into evidence.

Mr. Kinz asked with whom he spoke with at Town Hall and Mr Esposito said Joan and Tim Ligus who both helped him with the application. Tim told him to draw it out and indicate what he wanted to do. Mr. Kinz asked him what he had drawn and he said two carports on a site plan with a magic marker. He was legitimizing the carport on the left and requesting zoning for the carport on the right not yet installed. A-5 is the application accompanied with the diagram. Paragraph 3 of the permit requires to state purpose. Mobile on wheels carport was written in Mr. Kinz asked which this referred to and he said the new one. Mr. Kinz asked if he had help with the application and he said yes Tim Ligus helped him as well as Joan. Tim wanted to see where they were going to be placed on the property and told him what to put on the plan. Mr. Kinz asked if Tim knew it was two carports and Mr. Esposito said yes he was well aware of that. Tim told Mr. Esposito to put both carports on one application. A-5 was given to the Board Attorney.

Mr. Kinz asked if there came a time when a zoning permit was issued. Mr. Esposito said yes. Mr. Kinz asked when and he didn't recall. Mr. Kinz asked if on or about March 10 sounded right and Mr. Esposito said he thought it was sooner but doesn't dispute the date. As of the date the permit was received he only had the one carport. Mr. Kinz asked if formal violations were received and he said no. Mr. Kinz asked who signed the zoning permit and Mr. Esposito said Vincent Jim Lupo. Letter to Mr. Esposito states the permit was approved. At the bottom there were special conditions. The condition talks about the anchoring not being allowed, Mr. Kinz asked what he did and was told by Mr. Esposito that it was connected when installed but not now. They also moved the building slightly. Exhibit A-4 was shown which depicts a rod from the ground this rod is the anchor that is not connected. All anchors were disconnected. 2 boxes on the zoning permit were checked off one states that the use is permitted by ordinance. He was never told that it wasn't a permitted use in the zone. The second box checked is that no variances are required. Mr. Kinz wanted to know if because of the receipt of the permit if he installed the second carport and he said yes. He had given the information to the company and within a week or two they came and installed the second carport. Mr. Kinz gave the attorney A-2 and A-3 which are the right side carport. One is red and one is brown. The red indicates red carpet service. Mr. Kinz asked if the wheels are the same and he said no they increased the size in case they needed to move it. Mr. Esposito said they can also deflate and inflate for ventilation purposes. Mr. Kinz asked how many people it takes to move the carport and Mr. Esposito said maybe 4 men. Mr. Kinz asked if it is the same carport and Mr. Esposito said the right side carport is a little bigger. Mr. Kinz asked if the right side carport where vacuuming and interior work is done is the same work done prior to this structure. Mr. Esposito said yes, same service, no additional employees, less employees. Mr. Kinz asked if the use was expanded, he said no same use. Mr. Kinz asked if by receiving the approved permit if he assumed he

could use both carports and he said yes. Mr. Kinz asked if a time came where he received an ordinance violation from Mr. Lupo and he said yes at the most a week after putting up the second carport. Exhibit A-7 and A-8 were marked into evidence, these are violations. Mr. Kinz asked if he was told by anyone before violations were issued that he was in violation and he said no. The violations were read as expansion of use. A-8 was a violation for accessory building constructed without permits. Nobody told him that he needed construction permits. Mr. Esposito further explained that Alana in the Building Dept. went to give him a permit folder with electrical and building permits and Tim said it was a mobile carport on wheels and it wasn't needed. When he received violations he came to Town Hall and spoke with the Zoning Officer who said he only gave him a permit for one building. Mr. Esposito said that the Zoning Officer also said he didn't like the initial carport either. So both might have to come down but definitely the rear one. Mr. Kinz wanted to know if he asked why only one and not the two carports. Mr. Kinz asked did Mr. Esposito tell the Zoning Officer that Tim was the one who told him how to complete the permit application and he said yes and the Zoning Officer walked away. He offered to complete another application and he did. He received a denial for the second application. The proposal is an expansion of non-conforming use and it indicated to dismantle until a use variance could be applied for. Mr. Esposito didn't call Mr. Lupo again. Mr. Kinz asked if Mr. Lupo ever indicated why it was considered an expansion of a non-conforming use. Mr. Esposito said no that the operation had not changed. Mr. Kinz asked Mr. Esposito, under oath, there are no additional employees or intensity of use since the carports were added? He said correct. Mr. Kinz asked if there are any setback encroachments that he was aware of and he said no. What about lot coverage and he said no bulk violations.

Mr. Glatt wanted to ask questions. Mr. Kinz was asked if it was his understanding that it wasn't an expansion of bulk requirements, he said that is correct. He feels it is more of a canopy for protection of employees. Not intensifying the use, not a new operation same work. There may be a question of needing electrical and construction permits and have filed an appeal. The same use not intensified. Mr. Glatt asked if the Board sided with the zoning officer what variance would there be and he said d-2 variance expansion of non conforming use but doesn't know what his proofs would be. There would be no expanding. He was given the permit for the one carport on the left side and it was never revoked. The electrical line is an extension cord. Mr. Brady asked about the pvc pipe and it is the vacuum line. Mr. Brady said it wasn't really mobile than and Mr. Esposito explained it was unscrewing a rubber coupling. The violation notice regarding the construction permit could be regarding the vacuuming tube but that will be appealed before the construction office and if needed they will get the building permit. Mr. Brady asked about the anchor, which is still there, and Mr. Esposito said it wasn't connected. It was suggested that cutting torch would solve the problem. Mr. Kinz said that they would be willing to stipulate that they would be taken out if Board feels it is appropriate, Mr. Jurkovic asked about the left side carport and he said that was where they dry off the cars. Mr. Brady asked where they were doing the original pre wash service, it was pointed out on the illustration on A-5. The entrance of the carwash building was where the vacuuming and window work was being done but there would be a long line of people so by moving that service people who just want an exterior carwash don't have to wait. His testimony is that they are doing exactly the same just at another location on the premises, which is the rear right carport. There was no expansion of the facility. Mr. Jurkovic asked Mr. Esposito if both carport outlines were on the plan. He said yes and Tim Ligus told him to make it clear. A Board member asked with regard to the approved carport and the Zoning Officer's comments about not being happy about it did he tell you why? He was having second thoughts about the approval of the first carport. Mr. Esposito wrote the application himself. Mr. Brady asked if anyone had questions. Mr. McQuaid asked about original car wash approval, and wanted to expand the building. He thought there was something additional and Mr. Esposito said the prep area was too short for the conveyor and also a landscaping approval. Mr. Jurkovic asked about the traffic pattern and that it was indicated that it was better than original setup and Mr. Esposito said yes. Mr. Kinz said that esthetically it was nicer not to see people with dirty towels and it is neater. Mr. Glatt said the Board could carry the matter until the following month and call Mr. Lupo. Mr. McQuaid asked Mr. Drew about the zone did he know of anything. Mr. Drew said it was clear that you

could not expand a commercial entity in any manner without receiving board approval. Is it an expansion of building or operation? It doesn't differentiate between permanent structure. It would constitute an expansion of the building. Definition of a building would include this. A nonconforming structure would not require a variance but a nonconforming use would require a variance. Mr. Glatt asked what the difference would be if they used a tent for the day if it was really hot? Would they be required to take it down each night. The building code has different criteria than the zoning code. Mr. Jurkovic said that since it was on wheels, it shouldn't be considered a building. Mr. Brady wants the secretary to see if the permit file in the office is the same as what was presented by the applicant. The only issue for the Board to decide is: **Is this an expansion of a use and is the carport a building?**

Motion by Gian Severini to take a break for the Secretary to check the office file for their copies of the records before us.

Second by Ada Erik

Returned from break. Mr. Brady asked about the zoning permit and the information on file is what the applicant has entered into evidence. Mr. Glatt said the checklist is marked complete. There is a photograph and a portion of the brochure in the zoning file. Mountain Lakes Car Wash and Express lube, with removable sides for hot or cold weather. Mr. Glatt continued reading what was submitted with the application. Mr. Brady feels that the applicant made it clear on the permit what he was applying for. Mr. Glatt said it is very difficult to understand what he was in violation of, and not specifically why. No further comments from Mr. Drew. Open to the public.

Motion by Ada Erik

second by Gian Severini

All in favor to close the public portion.

Mr. Kinz thanked the Board for the attentiveness and detailed attention. Appealing the determination of 2 citations. Uniform construction code, not zoning officer. Construction code official cited him also and they are appealing. The zoning officer did not identify the claim of expansion of non-conforming use. If that is what he is alleging than how can the other carport be approved. No intensification of the use. Not an attack on Mr. Lupo but this is an error. Should be reversed. Mr. Brady asked for any discussion.

Motion by Gian Severini to reverse the determination of the Zoning Officer with regard to the erection of the carport because there is no need for a use variance in this circumstance.

Second by Ada Erik

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Barry Wieser and Robert Brady

No: none

MICHELLE SCHLETTE-HARDING

Bulk Variance #0830-0797

Block 6101; Lot 21 R1 zone

1 George Street

Mr. Glatt swore in Michelle Schlette-Harding, 1 George Street and Jesse Harding, 1 George Street, Todd Lent, Licensed Architect. Ms. Harding explained her application and wanted her architect to help her. She wants a side addition with 2 car garage and 2 bedrooms over the garage and bathrooms turned into bedrooms. There was question about her application. The information on the application doesn't explain everything the want to do. There are two different plans one is a zoning analysis chart and the numbers do not match up. There is a shed on one of them. No lot coverage advertised. Did put the line such variances as necessary to construct the addition. The lot coverage is always a concern with this Board. This should have been in the notice.

Ms. Harding continued explaining her home, very small house not feasible to start a family in. She needs a bathtub, kitchen table. The neighbors house is like hers but they didn't build over the garage.

Mr. Lent was asked to speak on her behalf. His business is located at 264 Union Blvd., Totowa, his credentials were accepted. Review of property found that left side of yard is 29.9 and the right side is 39.2 so the right side is where they are putting the garage. The existing septic is in the rear. Which is big enough to expand rooms on main floor. 4 feet to back of house for kitchen expansion and bath renovation, the 2 car garage is 24'5" X 27'. The civil engineer will satisfy the conditions with the slope of the proposed driveway. Question of paved or gravel. Ms. Harding is asking if requirement it is required to have 50 feet of paving done. Mr Jurkovic asked why out and not up. The architect said the footings might not be proper. Mr. Brady asked which zoning analysis and he is superseding his zoning table to the engineer's zoning table. The Board is calculating the square footage of the proposed addition.

Mr. Brady said that zoning testimony will need to be brought to the Board. Also calculations need to be done. Mr. Brady said that the other numbers need to be completed. Also need an explanation of why it is over 10 percent. There is nothing definite with the numbers. Zoning Testimony why granting variance. Master plan...Mr. Glatt feels Board concerns are with regard to the lot coverage. It was explained to Ms. Harding that it goes by her plans if she didn't put the variances needed on her application. There are conflicting numbers for lot coverage. If the variance is granted, nobody would know what was granted. Sometimes a professional or an attorney is a better choice. Mr. Glatt suggested carrying the application since nothing is specific. Revisions and clarifications are needed if necessary call professionals. Will keep her position on the agenda. Mr. Glatt did not require re-noticing.

Motion by Ada Erik to carry the application.
Second

ANTHONY ESOLA
Bulk Variance #0830-0808
Block 17201; Lot 5; R-4 Zone
109 Cherry Ridge Road

Mr. Glatt swore in Anthony Esola, 109 Cherry Ridge Road and Denise Esola, 109 Cherry Ridge Road. Mr. Esola explained that they were requesting a variance for a front yard setback for construction of an addition. The part being removed is original log possibly from the 1920's and rotted this section of the home consists of the bathroom and the kitchen. Mr. Jurkovic asked the applicant if he received the Engineer's memo and to please comment on it. Mr. Esola said the swale on the side could be corrected. Lot number 7 is higher elevation. They would have it revised and they are planning to pave the whole driveway. The Health Department memo is fine as well they won't require a door on the office. That is no problem. The applicants were told that if the Board approves the variance, the Health Department might require additional proof. Mr. Brady said the Engineer wanted to make a few remarks. He told the applicants to extend the swale and turn it towards Cherry Ridge Road. Mr. Jurkovic confirmed it was only the 9 feet and to explain the need for it. Mr. Esola felt that if they moved back it would change the layout. The septic is on the side, which they are working on. Mr. Hannan asked if it would be esthetically improved and square off the house and he said yes they were making it more uniform and to look like it is in the woods. Mr. Esola said that they were doing everything "green" with regard to the construction. Mr. Brady asked if there were additional comments and opened the meeting to the public.

Motion by Ada Erik to close public portion.
Second by Arthur McQuaid

Mr. Brady asked if there were any comments.

Motion by Francis Hannan to approve the application for bulk variance relief. He feels the applicant has shown why he needs the variance and it will improve the look of the house and neighborhood. Also, that the applicant will adhere to the memos, stipulating that it will remain a two bedroom home.

Second by Ada Erik

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Barry Wieser and Robert Brady
No: none

KENNETH KLOSZ

Bulk Variance #0830-0806

Block 9711; Lot 8; R-1 Zone
84 Bergen Drive

Mr. Glatt swore in Kenneth Klosz of 84 Bergen Drive and Nicole Klosz, 84 Bergen Drive. Mr. Brady asked them to make their presentation. They are requesting a side yard setback for 13 ½ feet presently it is at 27 ½ feet and 25 feet is required. Second car garage with living space above bedroom, bathroom. No additional property to purchase. The Chairman asked about the Engineer's memo. The did receive it and will comply with the request. Mr. Glatt asked why that spot. The other side of the house is to small. The side with the present garage has a wider area it would be more pleasing. There are pictures being marked into evidence. Photographs marked A-1 and A-2 show exactly what they want to do with their home. They changed it a little with dormers to have a country look. A-3 is a similar shot all part of the subdivision A-4 and A-5 are the same type of homes. They are serviced by public sewer and water. Mr. Jurkovic said the property is not quite square or rectangular. The back of the addition will have a different setback. There is no zoning analysis chart on the plan. The variance requested is only for a side yard setback. They needed a lot coverage variance since the previous is over 10% and now at 16%. Mr. Glatt said that they should have had a zoning chart. Mr. Glatt said the advertisement should have had lot coverage. The Board has to vote on that variance. Mr. Glatt suggested that it be carried to next month and we need the lot coverage numbers and explain what they are doing. Mrs. Klosz requested a carry until August.

Motion by Ada Erik to carry the meeting to August 26, 2008.

Second by Arthur McQuaid

All in favor to carry the application. They are required to submit 10 revised, additional plans at least 10 days before.

1952 UNION VALLEY ROAD

Use Variance #0540-0698

Preliminary & Final Site Plan No. 0420-0167AB

Bulk Variance #0430-0647

De Minimis Exception

Block 3601; Lots 1 & 3

1952 Union Valley Road; CC Zone

Mr. Glatt said that the Board if dismissing make a motion to dismiss the application without prejudice for lack of prosecution. They are not commenting on the transfer to the Planning Board they are just dismissing from this Board.

Motion by Daniel Jurkovic to dismiss Use Variance, Preliminary and final site plan, Bulk Variance and DeMinimis Exception without prejudice for lack of prosecution.

Second by Francis Hannan

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Barry Wieser and Robert Brady
No: none

Amendment to the By-laws states that Section 3 will now state "Board Planner" not "Township Planning Director".

Motion by Francis Hannan to amend the by-laws
Second by Ada Erik

Roll Call Vote:

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

Approval of June 24, 2008 minutes

Motion by Ada Erik
Second by Francis Hannan

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Arthur McQuaid Barry Wieser, Robert Brady
No: none

Mr. Brady explained to the Board that we need to extend Mr. Drew's contract until Planner Interviews can take place. Mr. Brady said interviews could be done now for start of January. Mr. Drew could be Planner through the end of the year or extend another couple of months. If decision not made another contract will be drawn up. Mr. Jurkovic would have liked it to have been done already. Doesn't want to hire another interim just wants it done. Mr. Brady feels that he and the committee members agree that the full Board should be present for the interviews. Mr. Brady said the August meeting of August 26th meeting to start the meeting at 6:30. Mr. Brady wants it over and done with and agrees with Mr. Jurkovic. If a different Planner is hired than time is needed to catch up to speed. Interviews can be done at that time. Mr. Brady said he would like to hire someone through the end of the year and indefinitely unless something were to happen to cause them not to be the planner. Mr. Hannan asked if extending to October 1, 2008 would be enough time.

Motion by Francis Hannan to amend the contract and resolution to extend Mr. Drew's appointment through October 1, 2008. Fill in any dates needed.

Second by Barry Wieser

Roll Call Vote:

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

Mr. Drew thanked the Board and told the Board that all paperwork required in May is in the Clerk's office.

The meeting for interviews for Planner Services will be starting at 6:30 p.m. Everyone will be present. There will be a time limit, 20 minutes per applicant. The secretary will notice for this meeting. Please call if anyone can't make the meeting. Mr. Brady asked if the Board would jot down questions. He doesn't want to waste anyone's time. Mr. McQuaid asked if they could submit ahead of time, the questions. Mr. Brady doesn't think it is necessary. Mr. Brady said that was fine. Mr. Hannan will be hand delivering or mail no email.

Motion by Arthur McQuaid for 6:30 start
Second by Gian Severini

All in favor for early meeting start

Mr. Jurkovic wanted to state that Mr. Drew in the past would check the professional's bills for the Board. Since he is now one of the Professionals, we need to have a different system for checking the bills. Mr. Brady was in agreement and if the Board has

no objection, we have the responsibility of checking our Board Professional's bills, the secretary to put the bills on the agenda. Mr. Glatt said there is a deadline within the month. The process of the bills needs to be looked into. The bills that are there tonight will be looked at tonight. Mr. Brady has signed off on the bills since the transition. He will sign them now. Mr. Drew said the contract stated the bills needed to be submitted to the Town within 30 days. Mr. Brady signed off since the transition. Mr. Hannan would like to get copies in the packet. This will be an agenda item for next month. Make sure that the 4th Tuesday of the month is all right. There shouldn't be a problem except December/January. Secretary to send all bills and vouchers and have as monthly agenda item.

Mr. Drew wanted to bring up a point about the last application. A zoning chart is not listed as an item on the checklist. If the Board wishes to change checklists, a formal request needs to be made to the Council to add it to the checklist. Mr. McFadden wants to check all of the checklists. The zoning permit application process is how the variance is defined. Mr. Glatt said that it is not the zoning officer's fault. The applicant's professional should be the one who is responsible for this. The zoning officer gets a copy of the application. Mr. Drew was always the one figuring the variances. Mr. Glatt feels it is definitely the responsibility of the applicant's professional to do this. Mr. Jurkovic explained his experience with a Zoning permit. All variances should be identified on the zoning permit. From the public standpoint, what notice did they have of this? The checklist should state this is needed. The zoning is in the ordinance and plan should reflect this. A recommendation is made to the Township Council and the Council approves it and it then goes to the Planning Board.

Mr. Brady said that the checklist will need to be gone over as well.

Adjournment

Motion by Ada Erik

Second by Gian Severini

by Arthur McQuaid

All in favor to adjourn the meeting

Meeting adjourned at 11:00p.m.

Adopted: August 26, 2008

Respectfully submitted by,

Denyse L. Todd, Secretary
Zoning Board of Adjustment