

**MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
July 27, 2010
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:41 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, Barry Wieser, Frank Curcio, Gian Severini, James Olivo, Vivienne Erk, Robert Brady

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

Absent: Arthur McQuaid

Mr. Brady asked Mr. Olivo to sit at the dais, as one of the regular members was not present. The Chairman explained the Zoning Board procedures and the agenda. He introduced the Board Attorney. The public portion and the appeal process was also explained.

MEMORIALIZATIONS

SHILOH BIBLE CAMP

RESOLUTION NO. 9-2010

Use Variance #0440-0663

Preliminary & Final Site Plan #0420-0180AB

Bulk Variance #0430-0664

Block 6002; Lot 47

753 Burnt Meadow Road; R-4 Zone

Action: Approval for changes to original use variance, bulk variance and preliminary & final site plan approvals.

Motion by Ada Erik to memorialize Resolution No. 9-2010

Second by Gian Severini

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Gian Severini, James Olivo and Robert Brady

No: None

PELLETT, MARCELA

BULK VARIANCE NO. ZB07-10-08

Block 5613; Lot 2

79 Center Street, LR Zone

The Board Attorney swore in the applicant Marcela Pellett of 79 Center Street. The applicant explained to the Board that she wanted to put a pool in her back yard it, is a 24 foot, 4 feet deep above ground pool. Since her yard runs from street to street it is considered that she has 2 front yards. She is also requesting a variance for a 10 X 10 shed to put pool equipment in. A shed under 100 square feet does not require a variance but it would be in the front yard. The two streets are Center Street and Quarry Street. Technically she does not have a back yard. There is no additional property and if there was it still would not alleviate the problem. The applicant put a fence up on the side of her yard about a year ago to cover the area that had weeds but it will screen the pool. The Planner suggested that the shed be considered during this meeting since it would be in the front yard as well. There will not be a building permit required. The setback will be provided for, in the resolution. The applicant has no problem with moving the shed if needed.

The Board Attorney asked if there was any egress or ingress to Quarry and the applicant replied that they cleared it when the septic needed work done and now because of landscaping, they are using it but normally they do not. There is a truck there but only for construction purposes.

The Board Chairman mentioned that the shed might need to be moved and the applicant said there were many places it could be but it would always be in the front yard. The whole other side of the yard is empty and it could go anywhere. It was decided that she will switch the swing set and the shed so the shed will be off the property line.

The applicant does not feel that it should affect anyone, the kids are back there anyway and it would be something else for them to do.

The Chairman opened the meeting to the public.

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

Gian Severini second

All in favor to close public portion.

Mr. Brady asked if there was any further discussion or a motion.

Motion by Francis Hannan to approve bulk variance no. ZB07-10-08, Block 5613; Lot 2, 79 Center St. in the LR Zone. Bulk variance approval requested for an above ground pool in the rear yard which is considered a front yard. For the reason that the property has two front yards one on Quarry and one on Center Street. The applicant also has a shed that she will put on the property it will be 10 X 10 or smaller so it will not require a variance for size but because of the two front yards. She will not require a building permit. She is free to move the shed closer to the pool and on the plot plan swapping spots with the swing set and the pool shed. For those reasons the application should be approved.

Second Ada Erik

Mr. Brady wanted to point out that this was the only application and it was so the children of the applicant could go swimming.

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Barry Wieser, Frank Curcio, Gian Severini, James Olivo, Robert Brady

No: none

Mr. Brady asked Mr. Glatt to explain about the appeal period. Mr. Glatt expressed the following it was not to encourage but technically the pool cannot be put up until the permit is received. The permit cannot be issued until the Board memorializes the resolution. That will not be done until August 24, 2010 and then after a 45 day appeal period which is an additional 45 days after the publication in the newspaper. If she proceeds before that time, it will be at her own peril.

DISCUSSION

Recommendations for interviews for engineering firms. There was a committee meeting to review names of engineering firms that work around our community and some in the community. The committee wanted three names of firms to put before the Board and at that point make a request for them to come in for the interview process. At that point a decision could be made on who would be the permanent engineer. The contract period would be from now through the end of the year and at that point a new appointment would be made.

The names of the engineering firms that were considered are Alaimo Engineering, Paterson, NJ Robert C. Kirkpatrick Inc. (acting engineer) Morristown, NJ and Matarazzo Engineering, Fairfield, NJ.

Mr. Severini asked Mr. Brady to repeat the information. Mr. Brady confirmed with Mr. Glatt that the process would include an interview and then a majority vote on one of the three firms and they would be the new engineer. Mr. Glatt reiterated that the committee met and recommended the three firms, unless the Board is satisfied with keeping Mr. Kirkpatrick until the end of the year since they already have experience with Mr. Kirkpatrick and are satisfied with his work. The question before the Board is do they want to interview the three individuals and if so should it be done for the next meeting in a special session or if they are satisfied and make a resolution to confirm Mr. Kirkpatrick for the balance of the year.

Motion by Ada Erik to confirm Robert C. Kirkpatrick until the end of the year.

Second by Barry Wieser

Mr. Severini would like to interview the perspective candidates that were discussed tonight. Mr. Glatt said since a motion was pending a vote would be needed and if it passes by a majority then Robert C. Kirkpatrick will continue through the end of the year. If it does not Mr. Severini can make the motion.

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Barry Wieser, Frank Curcio

No: Gian Severini, James Olivo, Robert Brady

Mr. Kirkpatrick will be the Board Engineer for the rest of the year. Mr. Brady thanked the committee members. He cannot see a reason why it cannot be brought up again in January. Mr. Hannan indicated that he would welcome the interviews and perhaps interview in November or December for January. The committee has already done their work and it gives time for the three firms to complete the packets for the Zoning Board to review. There are three qualified individuals recommended by the committee. He felt in the middle of the year it was kind of rough to change and would rather have a full investigation. Mr. Brady agreed that starting the interview process for 2011 in November or December would be better received. A resume and fee schedule should be required from the candidates.

Mr. Hannan suggested the secretary be directed to send a letter to the firms that they are one of the three to be selected for next year and they should submit their qualifications. Mr. Hannan would like to see what Towns the firms have been involved with, it would be important because we are such a unique town within the Highlands and the firm should have the knowledge. Perhaps by September the Board Members will have the information for review.

Mr. Wieser asked about the vote and it is a 7 member Board.

Mr. Brady asked if there was any additional discussion. Mr. Severini confirmed that Alaimo Engineering's address is 2 Market Street, Paterson, NJ Attn: Miles Powell.

APPROVAL OF INVOICES-BOARD PROFESSIONALS

Motion by Ada Erik to approve invoices for Stephen Glatt
Second by Gian Severini

All in favor to approve the invoices.

Motion by Ada Erik to approve the minutes of June 22, 2010
Second by Gian Severini

All in favor to approve the minutes

Motion and Second to adjourn the meeting

All in favor to adjourn the meeting of July 27, 2010

Opposed: none

Meeting adjourned at 8:21 p.m.

Adopted: August 13, 2010

Respectfully submitted by,

Denyse L. Todd, Secretary
Zoning Board of Adjustment