

**MINUTES  
Of the Township of West Milford  
ZONING BOARD OF ADJUSTMENT  
July 28, 2009  
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:50 p.m. The Board Secretary read the Legal Notice.

**Pledge**

The Chairman asked all in attendance to join in the Pledge of Allegiance. Mr. Brady asked Mr. Olivo to take a place on the dais since Mr. Hannan is absent this evening. Chairman Brady explained the meeting process and introduced the Board Attorney. He also explained the Open Meetings Act and the appeal process.

**Roll Call**

**Present:** Ada Erik, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini, James Olivo and Robert Brady

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

**Absent:** Francis Hannan and Vivienne Erk

**MEMORIALIZATIONS**

**YOUR HOME TEAM, LLC  
RESOLUTION #8-2009  
BULK VARIANCE #0830-0822  
Block 2312; Lot 16  
Papscoe Road, LR Zone**

**Action:** Approval of bulk variances for construction of a new home.

**Motion by Ada Erik** to memorialize Resolution #8-2009  
**Second by Barry Wieser**

**Roll Call Vote:**

**Yes:** Ada Erik, Barry Wieser, Frank Curcio and Robert Brady  
**No:** none

**PATRICIA NICHOLSON  
RESOLUTION #10-2009  
MINOR SITE PLAN #0820-0313  
BULK VARIANCE #0830-0799  
Block 15803; Lot 4  
4 Oak Ridge Road, CC Zone**

This resolution was not available and will be available next month.

**SHILOH BIBLE CAMP  
RESOLUTION #11-2009  
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 a one year time extension.

**Motion by Ada Erik** to memorialize Resolution #11-2009

**Second by Barry Wieser**

**Yes:** Ada Erik, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini and Robert Brady

**No:** none

**DENA CAR, LLC c/o FRANCIS KASABRI**

**RESOLUTION #12-2009**

**PREL & FINAL SITE PLAN #0820-0329 AB**

**USE VARIANCE # 0840-0816**

**BULK VARIANCE #0830-0817**

Block 14104; Lot 1

2038 Route 23 North, HC Zone

This resolution was not available and will be available next month.

**KEITH DANIEL DE BLOCK**

**RESOLUTION # 13-2009**

**BULK VARIANCE #0930-0828**

Block 04903; Lot 006

42 Morsetown Road, R-4 Zone

**Action:** Bulk variance approval for the construction of an above ground pool.

**Motion by Ada Erik** to memorialize Resolution #13-2009.

**Second by Barry Wieser**

**Roll Call Vote:**

**Yes:** Ada Erik, Barry Wieser, Frank Curcio, Gian Severini, James Olivo and Robert Brady

**No:** none

**LINDA PROVOST**

**RESOLUTION #14-2009**

**BULK VARIANCE # ZB05-09-01**

Block 13102; Lot 36

12 Pawnee Terrace, LR Zone

**Action:** Bulk variance approval for the construction of an above ground pool.

**Motion by Ada Erik** to memorialize Resolution #14-2009.

**Second by Barry Wieser**

**Roll Call Vote:**

**Yes:** Ada Erik, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini and Robert Brady

**No:** none

**JIM & PATRICIA GOBLE**

**RESOLUTION #15-2009**

**BULK VARIANCE #0830-0805**

Block 14113, Lot 47

Apple Lane, LR Zone

**Action:** Approval of the applicant's request for changes in conditions to prior resolution.

**Motion by Ada Erik** to memorialize Resolution #15-2009.

**Second by Barry Wieser**

**Roll Call Vote:**

**Yes:** Ada Erik, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini and Robert Brady

**No:** none

## **NEW APPLICATIONS**

### **WILLIAM HART**

#### **BULK VARIANCE #0930-0827**

Block 3508; Lot 6

14 Gleason Road, R-1 Zone

Mr. Glatt explained that the Board could reinstate the application since it was dismissed without prejudice at the prior meeting because the applicant did not appear. Mr. Glatt chose to save the applicant money and did not prepare the resolution for dismissal. If the Board does not reinstate the application then the attorney will prepare the resolution for dismissal.

Mr. McQuaid added that it was appreciated that Mr. Glatt did not automatically prepare the resolution and looked to save the applicant money. He understands that many attorneys would not do that and appreciates Mr. Glatt not charging twice. Mr. Brady concurs.

**Motion by Ada Erik** to reinstate the application

**Second by Frank Curcio**

**All in favor** to reinstate the application.

**Opposed:** none

The representative for Mr. Hart gave an explanation of why they were not present at the June meeting. Mr. Glatt explained that the Board meets the fourth Tuesday of the month not the last Tuesday of the month. Mr. Glatt said the Board needed to vote to reinstate the application.

Ted Cline is the person speaking on Mr. Hart's behalf. Mr. Glatt explained that only an attorney could speak on behalf of a client. He asked for Mr. Hart to come up to the microphone. Mr. Glatt swore in Mr. Hart and wanted clarification that Mr. Hart wants Mr. Cline to speak on his behalf.

Mr. Glatt swore in Ted Cline, Tuxedo, NY. Mr. Glatt needs an explanation of the application.

Mr. Glatt asked for Mr. Cline to discuss the application. He is a Production Manager for CKH Industries for 22 years for sunrooms, basements, windows and roofing. They are constructing a sunroom where the rear yard setback is being encroached. Mr. Brady asked if there are any contiguous properties available for purchase to relieve the setback problem and Mr. Cline said no there wasn't. Mr. Glatt explained that additional information is needed.

Mr. Cline said that no matter where the room is constructed it would need some kind of a variance. This was a logical location because of the access from the house. A Board Member asked what kind of door there would be from house to room and was told that it is a steel door. The room will not be used in the wintertime, made of pure glass, and a three-season room only. They would need to reconstruct the room for it to be used all year long, there is no heat and there will not be cooling methods. Chairman Brady asked for testimony that the addition could not be an additional bedroom. Mr. Cline said he could not believe it could be turned into a bedroom. It would need to be brought back to the building department and reconstructed. It will not calculate for energy calculations because of it being glass.

Mr. Glatt handed exhibit A-1 to Mr. Cline for clarification and it is the back portion where sunroom will be attached. It will be a freestanding deck with footings. Exhibit A-2 is a literature piece from Owens Corning, which is the fiberglass sunroom and representative of what will be installed. There have one product and that is it. They do not know if anyone in the neighborhood has one like this. He doesn't feel it will be detrimental to the property; thinks it will flow nicely and it will give him access to get out for Health reasons, enjoy the outdoors. Mr. Brady asked if there were any questions or comments of Board members. Mr. Cline thanked the Board for their assistance.

Chairman Brady opened the meeting to the public.

Ada Erik moved to close the public portion after there was no one present for or against the application.

Second by Gian Severini

All in favor to close the public portion.

Chairman Brady asked for any discussion from the Board members.

**Motion by Arthur McQuaid** to approve Bulk Variance #0930-0827, Block 3508; Lot 6 14 Gleason Road, R-1 Zone, the home is in the front half of the lot right in the middle and there is no other place to put the sunroom, there is a deck on the right side and the septic is on the left side. This is only a 10 foot addition not a large structure. Testimony was given that it will be a 3 season room and it is impossible to really change it into another bedroom or something, it is all glass and there is no heat. For those reasons it should be approved.

**Second by Ada Erik**

**Roll Call Vote:**

**Yes:** Ada Erik, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini, James Olivo and Robert Brady

**No:** none

Mr. Brady told Mr. Hart that the resolution should be memorialized at the next meeting and if a permit is pulled before that time there could be a problem.

**TONYA ZEPPELELLI**

**BULK VARIANCE #0930-0826**

Block 16703; L3

12 Woodridge Dr., R-2 Zone

Mr. Glatt swore in Tonya Zeppetelli, 12 Woodridge Drive, Oak Ridge, Dave Tennesen, Contractor with Tac Home Center, 2222 Hamburg Turnpike, and Claud Ballester, Licensed Professional Engineer and Planner in New Jersey, 1811 Union Valley Road, he prepared the plans.

Mr. Glatt asked Ms. Zeppetelli a question regarding a letter that she sent to the Township regarding an easement. Mr. Glatt told her that this Board has no control over that issue but her swimming pool is encroaching on someone else's property, which can cause a problem in the future if she were to sell her property or the adjoining property owner told her to remove it. They just wanted her to be alerted to the encroachment.

Ms. Zeppetelli called Claud Ballester to speak regarding the plans that he prepared. He is a licensed professional engineer in New Jersey, he has been before this Board for the last 25 years. He has a B.S. from Rutgers and will be testifying as an Engineer and a Planner.

Mr. Ballester explained the existing dwelling and the property at 12 Woodridge Drive. The owner is proposing two additions out the back of the property. The property is a trapezoid shaped. The side lines are unequal. Some of the variances are pre-existing, 2 acre zone and they have .69 acres, Lot depth should be 225 feet and they have 129.75, the minimum side yard is 40 feet and they have 35.8 feet and the front yard set back should be 75 feet and they have 65.2 feet, these will stay the same. They are looking for a variance for the rear yard. They are under the 10% building coverage, presently 6.06% now and they are looking for 9.97%. Their lot is larger than most in the neighborhood. Mr. Ballester is describing other lots in the neighborhood. The lot is in conformance with the neighborhood. The house will look the same from the street, only extending from the back of the house. The variances requested for the rear yard are due to the shape of the lot and does not meet the depth requirements. Any addition would need a rear yard variance even presently it does not conform. Mr. Brady asked if there were any questions of the applicant by the Board Members. Mr. Glatt asked about the property behind and the applicant's engineer said it was owned by Newark Water Shed and likely not be residential in nature and it is unlikely anyone would even see the additions at the back of the house.

The taxes needed to be paid and will be. Ms. Zeppetelli thought she might be able to pay them at the meeting but could not. She will pay them the next day.

Ms. Zeppetelli has one additional witness, the contractor Dave Tennesen. Mr. Brady asked the Board if anyone had any questions regarding the design, construction or zoning issues. There was no comment and Mr. Brady opened the meeting to the public.

Ada Erik moved to close the public portion after there was no one present for or against the application.

Second Gian Severini

All in Favor to close the public portion.

**Motion by Gian Severini** to approve Bulk Variance #0930-0826, Block 16703; Lot 3, 12 Woodridge Drive in the R-2 Zone, the stipulation being that the taxes need to be satisfied, any conditions of the planner or the engineer be included.

**Second by Frank Curcio**

**Roll Call Vote:**

**Yes:** Ada Erik, Barry Wieser, Frank Curcio, Arthur McQuaid, Gian Severini, James Olivo and Robert Brady

**No:** none

Mr. Brady told Ms. Zeppetelli that hopefully the resolution will be available for the next meeting and if a permit is pulled before that time there could be a problem.

**LEANN & ED DE ROBERTIS**  
**BULK VARIANCE #0930-0825**  
Block 14113; Lot 34; LR Zone  
24 Cross Oak Lane

Henry Herman of West Milford is present on behalf of the applicant. The notification for the newspaper was not placed in the correct newspaper, North Jersey Media Group put the notice in the Suburban Trends and not in the Herald News as required. The applicant was placed on the agenda so that they would not have to send out their notices to the certified tax list again. They need to re-publish for the following month's meeting. However, it could be announced at the meeting that it is carried to August 25, 2009.

**Motion by Ada Erik** to carry the application to August 25, 2009 conditional upon re-noticing in the newspaper.

**Second by Gian Severini**

All in favor to carry the application

Mr. Brady appreciated that Mr. Herman was present on behalf of the applicant.

**Motion by Ada Erik** to approve invoices for Stephen Glatt

**Second by Gian Severini**

All in Favor to approve invoices

**Motion by Ada Erik** to approve invoices for William H. Drew

**Second by Gian Severini**

All in favor to approve invoices

**Motion by Ada Erik** to approve the minutes for the June 23, 2009 meeting

**Second by Arthur McQuaid**

**All in favor to approve minutes**

**Motion by Ada Erik** to adjourn the meeting

**All in favor to adjourn the meeting of July 28, 2009**

**Opposed:** none

**Meeting adjourned at 8:38 p.m.**

**Adopted: August 25, 2009**

Respectfully submitted by,

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Denyse L. Todd, Secretary  
Zoning Board of Adjustment