

**MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
June 22, 2010
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:45 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, Arthur McQuaid, Gian Severini, James Olivo, Vivienne Erk, Robert Brady

Also Present: Tonya Cubby, Board Secretary, Stephen Glatt, Board Attorney, William Drew, Board Planner, Richard McFadden, Board Engineer

Absent: Barry Wieser, Frank Curcio

Mr. Brady asked Ms. Erk and Mr. Olivo to sit at the dais as two of the regular members were 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

**PETER BONGIARDINO
RESOLUTION NO. 7-2010
BULK VARIANCE #ZB03-10-05
Block 2319; Lot 3
9 Aura Ct., LR Zone**

Motion by Ada Erik to memorialize Resolution No. 7-2010

Second by Gian Severini

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Gian Severini, Vivienne Erk, Robert Brady

No: none

**Shiloh Bible Camp, Inc.
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**

David Becker spoke on behalf of Shiloh Bible Camp, Inc. 753 Burnt Meadow Road, Block 6002; Lot 47. Mr. Becker advised that they did re-notice. Shiloh Bible Camp is a non-profit, family run camp/retreat center. It is a Christian based organization and they mostly do outdoor activities. They are still proposing a new structure as they did five years ago when the application was originally approved. The facility proposed would serve as a gymnasium and worship center that can be used in winter months or inclement weather. They would like to do more on site activities.

In March 2005, they received site plan approval with bulk variances and a d variance for expansion of a non-conforming use because 20 acres is required and there is 11 on this lot. They are surrounded by state land so it is feasible for this type of activity. They were required to get a number of state approvals over the last five years and there were changes needed to accommodate that. Approvals were Highlands exemption, wetlands LOI, water quality management plan. There were a number of time extensions granted during that time.

They eliminated the residential apartments, enlarged the building to have a full court for basketball also a larger area for worship activities.

Jon Frank could not attend because of the graduation of his daughter but a board member was in attendance to answer any questions.

Mr. Brady thanked Mr. Becker for his notification of all parties. Mr. Becker agreed that it was the right call not to hear it the previous month.

The Board Attorney swore in Erik Boe of 12 Valley Street, Hawthorne NJ. He is a Civil Engineer, licensed in the State of NJ, BS in Civil Environmental Engineering Cornell University. He has appeared before this Board as well as others in New Jersey and New York. He is affiliated with LANS, Midland Park Office. The Chairman accepted the credentials of the professional.

Mr. Becker asked Mr. Boe if he was familiar with the property and the applications before the Board and he is. Mr. Becker asked that the professional explain to the Board about the site and previously approved applications. The site is 11.23 acres on Burnt Meadow Road, surrounded on three sides by state property. This is the exhibit that was submitted with the amended application. The main building houses staff has guest housing, kitchen and meeting room. The original proposal was to have a smaller gymnasium. The original proposal showed a driveway and garage in back but it is no longer proposed since it was too close to the wetlands. The revised does not encroach on the wetlands.

The new building is in the same exact location but is approximately 2500 SF larger. The code analysis for the architectural design led them to the decision that it needed to be a noncombustible building type, and decided on steel which allowed them to have it considerably wider with little cost and decided to make it a full size high school regulation gym. The building will be set on the side of a hill. He explained the features of the materials. The main floor will house the main meeting room; one flight down will be the gymnasium floor and access from the back and side of the building. The top floor will be an auxiliary space/recreation area. All three areas are handicap accessible.

The residential apartments were eliminated; the building will be 65 X 132 ½, the old building was 6,370 SF and the new building 8,824 SF. The other minor changes are adding a racquet ball court in the basement, the garage entrance will be removed and the gravel road leading to the garage storage area as well because the road was in the wetlands transition area so that and the garage space was eliminated. The four bulk variances are still part of the application. The lot size is still what it is 11.23 acres and that was existing. The slope variance is for disturbance for a steep slope and rock out croppings. There was a variance for a gravel driveway instead of pavement. They will pave handicap spaces for ADA but no other pavement. The area of pavement shown was for vehicles that were sold or given to the camp to benefit the camp, which the Board required the limit is 10 vehicles. The parking spots are not delineated parking was estimated and to be available in front of the main building a small area next to the main building, an area by the fort and the new handicap spaces, totaling 51 spaces. Most groups are youth/church groups and they take church vans or a bus, it would be uncommon for 50 people to bring 50 cars to the site.

The proposed lighting will be minimal mostly for safety (sheet sp 4-1), flood lights at all entrances of the building, .3 foot candles at the handicap spaces and entrances and from handicap spaces to entrances also at egress doors. The lighting is for safety, lights out is at 11:00pm after that time, and it is proposed to be on motion sensors.

The expansion of the non-conforming use is the d variance. The benefits include the existence of the camp for many years; it has served part of the community for many years. There is no detrimental use to the neighborhood or the neighbors, surrounded on three sides by state land. The only neighbor who is across the street is the director. Jon Frank and his family moved to the house across the street. Religious uses are generally accepted as a beneficial use. The applicant's attorney asked their engineer if he feels that the site can sustain this size building and Mr. Boe commented it is a large site, and the building fits nicely into this area of the site.

The revisions that were proposed by the engineer in his June 4, 2010 memo have already been added to the plan. The Planner asked about his report and the issues regarding the Township use of the facility and Mr. Becker said it would be discussed.

The Board Attorney swore in George Gartside, 5 Walnut Avenue, Pompton Plains, 07444. He has been friends with Jon Frank for the last 20 years. He moved to West Milford in 1989, got married and they had a bible study group and he moved away in 2001. He is a Board Member for Shiloh Bible Camp and has been for 10 years. He is familiar with the previous and amended applications. Shiloh Bible Camp is still offering the use of the facility to the Township for their use. Most use of the camp is on the weekends but sometimes it is used during the week but not often. If the town

wanted to use it on a weekday or weeknight and gave a little notice they would have no problem. Shiloh wanted the town to use the gym, Jon is involved with the town.

Mr. Brady asked the Board Members if there were any questions of Mr. Gartside and there were not. Mr. Brady opened the meeting to the public after seeing no one for or against Ada Erik moved to close the public portion and Gian Severini second. All in favor to close public portion of the meeting.

Mr. Becker summarized the application, the changes are mainly to the larger building and it goes more to the d variance than the site plan itself. Churches, religious uses are considered inherently beneficial uses which is the positive criterion, the nature of the site, the properties surrounding it and doesn't feel there is any negative impact to the area or the zone plan. It is already a camp. It doesn't have any effect on any on any residential neighbors as the only close one is the director himself. Mr. Becker asked the Board to consider the amendment.

The Chairman asked if there was any discussion or a motion.

Arthur McQuaid mentioned that Shiloh Bible Camp is a well-run organization, he has heard from other people who have visited and have complimentary things to say about your town. He has never hear anything negative from anyone about the camp. He thinks it is nice to have a recreational facility for young people since it keeps them away from drugs and gives them a place to hang out. He thinks it is a wonderful thing that they are doing.

Motion by Arthur McQuaid to approve Use Variance Application No. 0440-0663, Preliminary Site Plan 0420-0180AB and Bulk Variance No. 0430-0664, Block 6002; Lot 47, 753 Burnt Meadow Road in the R-4 Zone. They are eliminating the apartment; they removed the gravel driveway as it was going to some of the transition areas of the wetlands. They added racquetball, which will enhance the use of the gym for recreational purposes. They are doing work for lighting, safety and paving handicap parking. The only neighbor is the Director across the street so they are not really in a "neighborhood" it is a wooded area surrounded on three sides by state land that used to be Jungle Habitat property. There will not be homes built on that land.

Second by Ada Erik Ms. Erik commented that at the time of the original approval there was no hesitation about any group from town using the facility.

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Arthur McQuaid, Gian Severini, James Olivo, Vivienne Erk, Robert Brady
No: none

Mr. Glatt told Mr. Becker that it is his opinion that the new approvals have the new statutory time period. Mr. Becker agreed and thanked the Board.

Mr. Brady congratulated Mr. McFadden on his retirement and thanked him for his years of dedication to the Zoning Board.

The Board needed to discuss a new engineer for the Board since it was Mr. McFadden's last meeting. Arrangements were made to have a temporary engineer for the next month or two and that will be Robert Kirkpatrick of RCK Inc.

The Board Attorney was asked if advertising had to take place or could the Board select engineers and request proposals from a select group. Mr. Glatt does not know of any ordinance requirement where you would need to advertise, it was not done in the past. There were not complaints at the time. If any issue arrives the Township Attorney will advise.

Mr. Brady spoke with Mr. McFadden and he wants to enjoy his retirement. Mr. McFadden enjoyed being on the Board. Mr. Brady asked if anyone had any names of engineers and mentioned Mr. Kirkpatrick because he was familiar with the Township and with cell tower applications. Mr. McQuaid asked what the Township was doing and Mr. Brady thought it was being outsourced. Mr. Hannan suggested that time should be taken to explore this. Mr. Kirkpatrick would be fine to have his name put in, as he already has been approved as a substitute for the next few months. Mr. Hannan would like to find out more information. We owe it to the public to explore possibilities. Mr. Brady thought it could be decided in the fall. Mr. McQuaid pointed out that Mr. Kirkpatrick is the substitute planner for Mr. Drew. Mr. Kirkpatrick has his paperwork already with the Township. Mr. Brady pointed out that the Board could mull it over, Mr. Glatt added that with the hiring of Mr. Drew that interested parties had the opportunity to make a presentation to the Board. Once the Board has their names, there would be a meeting and the Board could vote that night.

There could be a committee of members who could select engineers. There was discussion about the certification of funds of \$3,000.00, which was a temporary amount. Mr. Drew advised the Board that most of the funds would be from escrow money and not the general account amount of \$3,000.00. Mr. Brady explained it was for the temporary time period and there would be additional funds added to the contract once a permanent engineer was hired.

Mr. Drew suggested a subcommittee to compose a list of potential engineers that the Board would like to interview. They should be contacted with a Request for Proposal and what their services consist of along with their qualifications so a comparison can be made. We did not advertise it in the past when interviewing. The secretary will supply the proposals to the Board when received. Mr. Drew offered to work with the secretary and the Board agreed.

Motion by Ada Erik to form a committee for the request of proposals from engineers.
Second by Gian Severini
All in favor

Mr. Brady asked for volunteers for the committee Ada Erik, Gian Severini, James Olivo and Robert Brady volunteered to be on the committee.

Mr. Hannan wanted to endorse Mr. Drew to assist the secretary in the process.

Motion by Ada Erik
Second by Francis Hannan
All in favor

Mr. Hannan said that, as Chairman Mr. Brady is a member. Since that would be a quorum, Ada Erik stepped out to allow Robert Brady, Gian Severini, James Olivo to be the subcommittee.

Motion by Francis Hannan to hire Mr. Kirkpatrick as the interim engineer.
Second by Ada Erik
Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Arthur McQuaid, Gian Severini, James Olivo,
Vivienne Erk, Robert Brady
No: none

Mr. Brady explained that Mr. Kirkpatrick's rate would remain the same as when he is the substitute planner which is \$120.00 an hour, this includes meeting and review of the plans.

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 invoices for William H. Drew
Second by Vivienne Erk

All in favor to approve the invoices.

COMMUNICATIONS

Mr. Brady said an article in the NJ Planner was interested and he hopes all read it. Orange and Rockland letter regarding trimming trees and ridding areas of debris so there would not be a problem in the future.

Motion by Ada Erik to approve the minutes of May 25, 2010
Second by Francis Hannan
All in favor to approve the minutes

Mr. McQuaid will not be at the July 27, 2010 meeting

Mr. Hannan congratulated Mr. McFadden and expressed his well wishes as well as let him know that he always felt comfortable with his recommendations. Mr. McQuaid added he felt the towns best interest was always considered by Mr. McFadden but at the same time took care of the citizens.
All wished Mr. McFadden well.

Motion and Second to adjourn the meeting

All in favor to adjourn the meeting of June 22, 2010

Opposed: none

Meeting adjourned at 8:40 p.m.

Adopted: July 27, 2010

Respectfully submitted by,

Denyse L. Todd, Secretary
Zoning Board of Adjustment