

**MINUTES  
Of the Township of West Milford  
ZONING BOARD OF ADJUSTMENT  
March 22, 2011  
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:46 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 Vivienne Erk to take a seat on the dais in place of the members that are absent. This will be a 6-member board The Chairman explained to the public about the Board of Adjustment and the publication of the dates in the newspaper. He also explained the Open Public Meetings Act of the State of New Jersey. Any appeals go to the State of New Jersey.

**Roll Call**

**Present:** Ada Erik, Steven Castronova, James Olivo, Frank Curcio, Vivienne Erk and Robert Brady

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

**Absent:** Arthur McQuaid, Gian Severini, Russell Curving

**MEMORIALIZATIONS**

**TARA AND BRIAN FROMMELT  
RESOLUTION NO. 9-2011  
BULK VARIANCE NO. ZB11-10-13  
Block 7001, Lot 5  
41 Edgecomb Road R-2 Zone**

**Motion by Ada Erik** to memorialize Resolution No. 9-2011  
**Second by Frank Curcio**

**Roll Call Vote:**

**Yes:** Ada Erik, Steven Castronova, Frank Curcio, Vivienne Erk, Robert Brady  
**No:** none

**NEW APPLICATIONS**

**JOSEPH VENGEN  
BULK VARIANCE ZB01-11-01  
Block 16802; Lot 8  
137 Doremus Road; R-4**

The Board Attorney Stephen Glatt swore in the applicant Joseph Vengen, 137 Doremus Road and his Professional David Smith, Smith Architecture, 16 Jessup Road, Warwick, NY.

The shape and location of the property as well as how the house sits on the property were discussed. Mr. Brady mentioned to the architect about sheet A-3 referring to the diagram on the right side of the building that it looks as if it will be built into the terrain.

Mr. Smith was asked to put his credentials on the record. He attended University of North Carolina at Charlotte, graduated in 1994. Practicing architecture in New Jersey for 15 years. Licensed and working on his own for 3 years. He has appeared before this Board before. The Board accepted the credentials.

Mr. Brady went back to the diagram and the elevations. Mr. Smith explained that there is a hillside that is mostly a rock ledge that is toward the hillside heading upwards. The intention is to build on top of the ledge going with the grade so under that part of the hill there would be a small crawl space something around 2 feet and as the ledge slopes towards the house the crawl space would be about 7 feet against the house. Sheet A-2 shows the crawlspace and the garage space.

The planner asked about a retaining wall. The applicant's professional explained that there is an existing small retaining wall. The Board Attorney asked if it was a corner piece of property and it is. It was explained the road wraps around, the attorney confirmed that there are multiple front yards resulting in a front yard variance. There are pre-existing conditions that do not meet the criteria of the zoning ordinance, lot area, lot frontage, lot width and lot depth. All pre-existing conditions but below what is required. Mr. Glatt asked if there was any other available land they could purchase or if any surrounding property was vacant. The applicant said there was not.

Mr. Glatt asked for an explanation to the Board about what was existing and what they were proposing. Mr. Smith explained Sheet A-2 shows the existing first floor plan and explained what was there currently. The proposed new space will be to the right of the garage and crawl space. The second floor above the garage and crawlspace is a proposal to add a living room/bedroom addition. They will remove one of the bedrooms and make it a loft space upstairs and maintain the other two bedrooms and the computer room. They want to add just under 500 square feet of new living space. There are currently four bedrooms existing in the house and they will maintain four bedrooms by eliminating one of the bedrooms and creating a loft. There is an existing two-story space in the center of the house and they want to open the wall of the corner bedroom above the kitchen and make a railing and half of a wall and have it as a play space for the kids upstairs out of the main traffic area.

The applicant answered in the affirmative when asked by a Board Member if there would be two living rooms and two kitchens. The applicant confirmed that it will be a one family home it is not going to be rented. They are referring to it as an in-laws suite. The Planner indicated that accessory apartments are permitted by ordinance. The planner also commented that it is designed as a separate apartment there is no interior connection between the existing house and the proposed addition, the only access will be from outside the addition. It is an accessory apartment and they are permitted in the zone. There is certain criterion that needs to be met and testimony should be given regarding that.

The planner asked for Mr. Smith to present testimony with regard to the accessory apartment comparing to the town ordinances. Mr. Smith explained that they were trying to create a separate side entrance for the applicant's in-laws to have more independence but still be close to the Vengen's. It is not supposed to be a detached unit like a carriage house. The finish of the addition will have the same fieldstone with cedar wood clapboard and he is interested in doing it as a timber frame to match the house as well. The planner asked about the access according to the ordinance the entrance has to be side or rear and asked for the architect to address it. The Architect explained that when you drive up Doremus Road you are presented with the side of the house as the front yard. When you turn in the driveway you are wrapping around the house and you can see it from the front. The door to the addition is very much to the back of the house and out of the way so it wouldn't look like a duplex or a two family home. The applicant was asked if the variance needed is because of the configuration of the property and multiple road frontage and he said yes. The road wraps all around the property. It is set back from the driveway.

The planner asked for Mr. Smith to discuss the square footage of the existing house and with the addition. Currently it is just over 3,080.4 square feet measuring from the outside walls. The additional living space will be 487 square feet additional. The basement is an additional 237.2 square feet. Which will be about 25%. The garage will be part of the main house so it will house equipment and tools. The 237.2 will not be living space. The size of the garage doors was questioned since they are narrow. It is not

necessarily to house a car more to use as a walkway to back yard. It was confirmed that it was for storage not for housing a vehicle. The existing driveway will remain.

The livable square footage of the accessory apartment is really the second floor, which is 487.5 square feet. The Planner explained to the Board that the accessory apartment ordinance has stipulations with regard to the maximum size of the apartment; it can be either 30% of the existing square footage of the house or 600 square feet whichever is less. In this instance less than 600 square feet also less than 30% of existing house, the plans meet the requirements of the ordinance. A Board member asked Mr. Drew if someone wanted to rent it out it meets the requirements and Mr. Drew said yes it is not limited to family members. The applicant confirmed that it was for his own personal use.

Mr. Glatt asked if the applicant saw the reports from the Health Department and he said yes. Mr. Brady asked about the sub-surface disposal system. The Health Department was concerned that it could potentially be a 6-bedroom home and have a 4 bedroom septic system. The applicant explained they gave up one bedroom in lieu of the new bedroom. The other two rooms that they feel could be bedrooms, one is well under 70 square feet and is not legally a bedroom and the other is about 80 square feet and it is not really suitable for a bedroom it is 7 X 11 this is used as an office.

Mr. Glatt explained that any Zoning Board approvals are subject to Health Department approval. The applicant told the Board that if it came down to it they could modify the bedroom in such a manner as to fulfill the Health Department's requests or needs. The bedroom is used as a playroom now not as a bedroom. A Board Member asked about the front yard setback. The closest setback to Doremus Road is 40.5 feet. They are not asking for an increase of the existing nonconformity but they are not working with the 125 feet as required. It is an unusual lot and difficult to do any modification. They tried to keep it to the minimum needed. This is a barn that was converted to a house and it is on an undersized lot.

The Planner asked if the applicant contacted the Highland's Council regarding an exemption and they have not. The Planner informed them that they needed to do that. Mr. Smith feels that they should fall under the percentages and they should not have a problem. Mr. Drew indicated as far as the proposal for the accessory apartment, the testimony provided and what's been placed on the record reflects that the apartment meets the requirements of the zone. There is a consideration of a front door to the apartment that is basically in the front yard which the Board needs to consider. Based upon the testimony you heard about the multiple frontages of the property and the configuration of the house in relation to the road frontages. The front yard setback is the other consideration. Should the Board decide to approve the application it should be subject to Health Department approval, Highlands Exemption, additional information should be placed on the plan to reflect that the apartment will comply with the conditions of the accessory apartment and these items should be reflected in the memorializing resolution.

Mr. Brady asked the applicant if the increase in lot coverage does not affect the ordinance of 10% coverage, they gained about 5.5% and it does not go over the permitted allowance. Mr. Brady asked if there were any questions. It was confirmed that the total coverage is 5.5% originally 4.1%. Mr. Brady asked if the planner had anything to add, he did not. He asked if the applicant wanted to add anything and they did not.

The Chairman opened the meeting to the public under the State Open Meeting Act it is required to open all applications to the public.

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

Second Vivienne Erk

All in favor to close the public portion.

Chairman Brady asked for discussion or perhaps a motion.

Steven Castronova indicated that he liked the plan and can see the problems the applicant has.

**Motion by Steven Castronova** to approve the application subject to the Highlands Council approval and the Health Department objections/requests. The items Mr. Drew mentioned in earlier statements. Mr. Drew indicated that details needed to change on the plans so there was an accurate set of plans. The first floor square footage should be removed from the table on the addition since it is just a storage area and not usable square footage living space. There needs to be reference to the proposed exterior finish of the addition in relation to the existing finish of the building. Notes need to be added to the plan. The first floor information should be corrected to reflect it as basement 237.2 square feet then the planner explained it would exceed the requirements of the accessory apartment ordinance which could cause confusion in the future should someone up the plans. Removal of the note on the garage on sheet A-2 and have it referred to as storage. Mr. Drew indicated that with the changes to the plan it would accurately reflect the decision of the Board.

**Second by Ada Erik**

**Roll Call Vote:**

**Yes:** Ada Erik, Steven Castronova (subject to all of the conditions stated in the motion), James Olivo, Frank Curcio, Vivienne Erk, Robert Brady

**No:** none

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

**Second by Steven Castronova**

All in favor to accept the invoices.

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

**Second by James Olivo**

All in favor to accept the invoices.

**Motion by Ada Erik** to approve the Regular Meeting Minutes of February 22, 2011 with the correction in the memorialization section that Robert Kirkpatrick did not make the motion to memorialize his resolution.

**All in favor to accept** the minutes with the change.

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

**Second by Steven Castronova**

**All in favor to adjourn** the meeting of March 22, 2011

**Meeting adjourned at 8:25 p.m.**

**Adopted: April 26, 2011**

Respectfully submitted by,

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Denyse L. Todd, Secretary  
Zoning Board of Adjustment