

**MINUTES**  
**Of the Township of West Milford**  
**ZONING BOARD OF ADJUSTMENT**  
**March 23, 2010**  
**Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:38 p.m. The Board Secretary read the Legal Notice.

**Pledge**

The Chairman asked all in attendance to join in the Pledge of Allegiance. Mr. Olivo was asked to take a place on the dais to have a 7 member Board. The Board Chairman explained the meeting process and introduced the Board Attorney. He also explained the Open Meetings Act, the appeal process and the agenda placement.

**Roll Call**

**Present:** Ada Erik, Francis Hannan, Barry Wieser, Frank Curcio, Arthur McQuaid, James Olivo, Vivienne Erk, Robert Brady

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

**Absent:** Gian Severini

**MEMORIALIZATIONS**

There were no memorializations available for the meeting.

**Susan Borrelli-Gerace**  
**Bulk Variance ZB01-10-04**  
Block 5703, Lot 7  
9 Center St.; LR Zone

Mr. Glatt swore in the applicant Susan Borrelli-Gerace of 9 Center Street, West Milford and her professional, Fred Wawra, Fox Architectural Design, Architectural Expert, 546 State Route 10, Ledgewood, NJ 07852. Employed since 1996 at Fox Architectural Design as a Senior Architect, Masters of Architecture, Licensed in New Jersey since May 2000, teaches Design at County College of Morris and has testified before other Boards in other Towns. Has been accepted as an Expert Witness before other Zoning Boards. Mr. Brady accepted the credentials of the Expert.

Mr. Wawra wanted to discuss the existing house and was referring to the same plan that was submitted to the Board. There is an existing three bedroom ranch with a formal living room, den office area and kitchen area, an existing deck and a covered porch in front and the side. It is a one-story house. This will be marked as A-1 in evidence. It's on a corner lot at the corner of Center Street and Second Avenue. The existing dwelling has existing non-conforming front yard and side yard set backs, the impervious site is non-conforming as well. The lot is 12,500 square feet and 20,000 square feet is required. The existing impervious coverage is 12 ½ percent and 10 percent is required. That was the reason for the zoning denial.

Mr. Wawra continued to explain the application stating that there are three parts to the proposal. An additional plan is being used marked as A-2, which was also supplied to the Board. The first part is the infill of the back corner, the side lot line is not parallel to the side of the house and it became 8.5 feet which would be a ¼ inch difference. The addition being built over the portion of the existing deck allows the expansion to a real dining area in the back and allows renovation and updating of the kitchen. The existing office and playroom becomes lost with the addition, one of the existing bedrooms will be opened up and the stairs next to it will go to the upper floor and that will become the play and TV area for the kids.

The second part will be the removal of the front porch which is 9 ½ feet from the front property line and the proposal is to provide a new covered porch in the front in the center recesses existing in the building which will allow a new front porch but it will 11 ½ feet from the front property line instead of the 9 ½ that was previous.

The third part is an add a level over part of the first floor. It will be on the front portion of the house creating a master bedroom suite on the side where the existing bedrooms are on the first level, creating an office area replacing the one on the first floor, a laundry area that will be removed from the bathroom area on the first level and the creation of a music studio on the other side of the house including a sound deadened room for practicing and performances and a separate area in the front for observation, composition and for musicians. The addition of the dining room in the back is only a one story addition.

Existing first level was approximately 1,514 square feet and with the addition, 1,652 square feet. The second level is 1,334 square feet. The elevation is 29 ½ feet. The kitchen area will have a bump out. A Board Member asked about the well and was told it was under the kitchen in a crawl space. There are three existing bedrooms and the proposed is also three bedrooms. There are two existing on the lower level, which will stay as children's bedrooms and upstairs will have the master bedroom suite. The rest of the upstairs will have the office area, studio and the laundry area. It is a three-bedroom house. The attorney asked about the Health Department memo and the concern regarding the well was discussed. It is a serviceable well and proof of a bill was offered to show this. The construction won't obscure the well and the new construction is not being stacked there so it is not an exacerbation of that situation. Two bedrooms will remain on the first level and the third will be part of the add a level. The office area is designed without egress windows and it is on the smaller side so it could not be used as a bedroom. The studio has no windows in the back and the other area is long and narrow and would not function as a bedroom. The house has no basement area or crawl space for storage there is not really an attic. There is no space to store anything or provide additional space and with the addition it will create additional areas for storage. There will be a pantry in the dining area and the area will be open.

If there is potential to turn any additional rooms into bedrooms, the septic system would need to be expanded as well and the Health Department had concerns. It is a three bedroom septic and will stay three bedrooms. Mr. Brady asked about the 300 foot buffer area and the lake in the back is being discussed. Mr. Wieser asked about the topography and it is relatively flat by the septic field. Mr. Glatt explained that if the Board grants the application it would be subject to Board of Health approval and the applicant's resolving of the issues which include Arc Explorer or regarding the septic size as this is not the Board's purview and this would need to be satisfied. Mr. Wawra said that dialogue with the Health Department has already been started. Mr. Glatt explained the other two main concerns are lot coverage and side yard and confirmed that the 30 foot side yard setback is unable to be met and the side yard is 8.07 feet and by extending it will be 8.05 feet and asked if there was any property available to purchase to alleviate the variance and Mr. Wawra explained there was not any. There is 12.5 percent lot coverage and they are going up to 14.4 percent when 10 percent is allowed, Mr. Glatt asked what the square footage of the house is existing the porch presently is 40 square feet and the new one is 140 square feet. The corner filled in adds 138 square feet to the existing first floor. The existing first floor is 1514 square feet adding 138 would be 1652 square feet for the main body of the house. The percentage of the two porches would be about 1% or 1.2%. Mr. McQuaid asked if it was on a 20,000 square foot piece of property, wouldn't the property be under the 10% and Mr. Wawra agreed it would be under the percentage allowable.

Mr. McQuaid asked about the septic and Mr. Wawra explained that they are not proposing to change the septic. Mr. McQuaid discussed the Health Department memo and commented that the three hundred foot buffer will not be a problem for septic purposes only if there was an increase in the septic. They are maintaining the three bedroom septic. Mr. McQuaid asked Mr. Glatt if passed, the condition in the resolution will be the regular condition about subject to all municipal departments and government agencies.

Mr. Glatt asked for the bedroom locations and Mr. Wawra stated that the two bedrooms on the right side of the house will be maintained. The existing third bedroom will be opened up and converted to the playroom/den area and will be eliminated. The master bedroom suite is approximately half of the add a level addition. The office space will help replace what is being eliminated in the dining area. The office area will be separate from the TV den area by being upstairs. The studio will be separated into two areas one being soundproofed. The practicing and performances will be separate from the rest of the house. The other area will store the instruments, there is a window for observation, also composition can happen there and there will be an area when people are waiting. Mr. Glatt asked for the applicant to answer a few questions. The attorney and Board need to be assured that the studios will not become a part of a commercial enterprise. Mr. Drew said that there is a definition of home occupation in the ordinance and wanted to ask the architect questions. 1. The square footage of the studio, the soundproof area is about 150 square feet and the ordinance said that no more than 450 square feet could be devoted to the home occupation and it could include the office, the gathering area Mr. Wawra said the total is about 420 or 425 square feet. Mr. Wawra explained that the studios would not be for commercial uses it would be

used for her fiancé and friends to have space. Ms. Borrelli-Gerace said she and her fiancé both have full time positions outside the home, the studio will be used for her fiancé who plays music with a couple of bands on the side and has a lot of equipment for practicing. The soundproof is so that everyone in the household does not need to hear it the other room is for storage of that same equipment. The office will be her area with a computer, sewing machine. It will not be a home business at all. The children referred to are her own children not students. Mr. Drew explained that based on the applicant's testimony and since they will not be giving lessons and since it is for their own private use there is no issue of a home occupation.

Mr. Brady asked if this was passed how could the Board prevent this from becoming a seven-bedroom home. Mr. Wawra said that is not the intention. Mr. Brady explained that the owner might sell it and it could be billed as a larger number of bedrooms home. Mr. Wawra explained that the rooms could not be legal bedrooms. The office cannot be because the windows are not sized for egress. Mr. Glatt explained that the spaces are large enough to be a bedroom. His suggestion to the Board is for a condition if the applicant agrees on the record verbally that it is a three bedroom house and it will remain a three bedroom house and the resolution will have a condition that it is a three bedroom house and the resolution will need to be recorded in the County Clerk's Office so if and when she sells the house and if and when a title search is done the resolution will appear as record and purchasers will be put on notice that this is a three bedroom house and also it cannot be advertised as anything other than a three bedroom house. The variances run in perpetuity, they run with the land and the Board does not want someone down the road to think it has a greater amount of bedrooms.

A Board Member asked about the parking spaces and the architect said there is a driveway off of Second Avenue and if they squeezed possibly three parking spaces. There is no room to park on the street.

Mr. Glatt asked if there were any problems with the resolution being recorded amending the Deed and the applicant said no. There are no comments or questions of the Board or the Professionals.

Mr. Brady opened the meeting to the public.

Ada Erik after seeing nobody for or against the application moved to close the public portion  
Barry Wieser second

**Motion by Francis Hannan** to approve ZB01-10-04, Block 5703, Lot 7; 9 Center St. in the LR Zone for Bulk Variance relief for lot coverage where 10% is required, 12.5% exists and 14.4% is proposed and side yard setback where 30 feet is required 5.3 feet and 8.07 feet exist and 5.3 and 8.05 are proposed. Side setback is miniscule; part of the increase will be an addition, which was at one-point porch areas. The applicant has shown that the rooms shown on the architect's design are to be utilized not as bedrooms but two will be used as a studio not for professional or home employment use, and one of the other rooms will be used as a home office for work to be brought home for employment also the downstairs room that was a former bedroom will be turned into a den, will be opened into the other living area and will not have a closet. The applicant agreed that at all times this will exist as a three bedroom home and has agreed that the resolution will be recorded at the Passaic County Clerk's Office so that future residents know it is a three bedroom home until such time that the Health Department agrees and if the applicant wants additional bedrooms that they would have to expand the septic. The applicant has agreed to address the issues, some that have been discussed, that were brought up by the Health Department.

**Second by Barry Wieser**

**Roll Call Vote:**

**Yes:** Ada Erik, Francis Hannan, Frank Curcio, Barry Wieser, Arthur McQuaid,  
James Olivo

**No:** Robert Brady

Mr. Brady explained that hopefully by the next meeting it would be available. He also explained the 45-day waiting period after memorialization where someone could file an appeal.

The Planner explained that the report that the Board received is a working draft. It was displayed in different ways. He still needs to add the Board's recommendations about Open Space and Highland's issues. As well as the as built survey of the foundation. Mr. Drew told the Board that it would be available for the next meeting.

**APPROVAL OF INVOICES-BOARD PROFESSIONALS**

**Motion by Ada Erik** to approve invoices for Stephen Glatt  
**Second by Barry Wieser**  
**All in Favor** to approve invoices

**Motion by Ada Erik** to approve invoices for William H. Drew  
**Second by Barry Wieser**  
**All in favor** to approve invoices

Mr. Brady discussed information from Rutgers field service regarding numerous areas under technologies and shared services.

Mr. Brady discussed the Application for the Planner's Conference. Mr. Hannan asked for a copy to be sent to him.

**Motion by Ada Erik** to approve the minutes for the February 23, 2010 meeting.  
**Second by James Olivo**  
**All in favor to approve minutes**

**Motion by Ada Erik to adjourn the meeting**  
**Second by Barry Wieser**  
**All in favor to adjourn the meeting of March 23, 2010**  
**Opposed: none**

**Meeting adjourned at 8:32 p.m.**  
**Adopted: April 27, 2010**

Respectfully submitted by,

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Denyse L. Todd, Secretary  
Zoning Board of Adjustment