

MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
May 24, 2011
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.

The Chairman asked Vivienne Erk to take a seat at the dais so there would be a six-member board for the meeting. Chairman Brady 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. The Board Attorney was introduced. The meeting will follow a printed agenda that is on the podium in front of the dais and hanging on the bulletin board. Any appeals go to the Superior Court of the State of New Jersey.

Roll Call

Present: Ada Erik, Steven Castronova, Frank Curcio, Arthur McQuaid, Vivienne Erk, and Robert Brady

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

Absent: James Olivo, Gian Severini, Russell Curving, Michael Cristaldi

MEMORIALIZATIONS

OLEKSIY LUCHYNSKYI
RESOLUTION NO. 11-2011
BULK VARIANCE #ZB02-11-02
Block 12001; Lot 36.01
166 Maple Road, R-4 Zone

Motion by Ada Erik to memorialize Resolution No. 11-2011

Second by Steven Castronova

Roll Call Vote:

Yes: Ada Erik, Steven Castronova, Frank Curcio, Arthur McQuaid

No: none

RESOLUTION NO 12-2011
YEAR END REPORT TO MAYOR AND COUNCIL

Motion by Ada Erik to memorialize Resolution No. 12-2011

Second by Steven Castronova

Roll Call Vote:

Yes: Ada Erik, Steven Castronova, Frank Curcio, Arthur McQuaid, Vivienne Erk, Robert Brady

NEW APPLICATIONS

LAURIE EVANCHICK
BULK VAR. ZB03-11-03
Bl. 6708; Lot 7
22 Pine Lane; R1 Zone

The Board Attorney swore in the applicant Laurie Evanchick of 22 Pine Lane, West Milford, NJ. Mrs. Evanchick explained that she was requesting a fence for a front yard; it is a corner lot so property is considered a front yard. She has a pool in that area and would like to get a 6 foot privacy fence. She completed all of the information she had some extra concerns that she received from the MUA. There are pictures, which will be marked into evidence. A-1 is the meter, A-2 is the curb shut off valve to show that the fence will not impede it and the MUA will not have trouble accessing it. The meter is to the left of the house looking at it. A-3 depicts her front yard and it shows the side yard and the street, Camp Hope woods is on the other side of that street. She would like a 6 foot fence for privacy and it will be 5 feet off of the property line. Mr. Brady asked if she had the interoffice memorandum from the Engineering Department. She indicated that she did and feels that her math was wrong. She will ensure it will be 5 feet. There are additional pictures A-4 is a different angle showing the side yard and front yard. For the record the applicant drew the black line on the photograph and it shows where the fence is proposed to go. A-5 is another view standing in the front of the house looking at the yard. It should not impede a neighbors view as it is only blocking the trees. Mr. Brady asked if the Board had any questions.

Mr. McQuaid asked if the fence was going to go from the house to Edgewood Drive and that is correct. It will go along Edgewood Drive and will be 6 feet as well as on Pine Lane. Mr. Glatt reiterated and again it was confirmed that the 6 foot fence would be along Pine Lane and extend on Edgewood Drive and partially across the back as well. Mr. Glatt asked if there were existing fences there now and Ms Evanchick indicated that her neighbor has a slat fence. Mr. Castronova went to the site and asked about the details of the fence. Ms. Evanchick explained it would be white PVC solid fence. Mr. Castronova indicated to the applicant that he could understand why she wanted it. She will be covering the rear fence in front of the neighbors. The attorney asked if there were any other fences of that height and there is one and on the other side as well. Mr. Glatt asked if having a 6 foot fence would in any way create a safety hazard. She said no it was just a round about and the site angle distance will not be a problem. She spoke with Jim Lupo about that. It will be 5 feet in and far enough in from the Pine Lane front yard that it will not cause any kind of site impediment. Mr. Glatt asked if it would be detrimental to the neighborhood and the applicant said no.

Mr. Castronova indicated that it used to be dead end and then they opened the cut through. People walk their dogs and ride their bikes. Mr. Brady asked if any board members had questions of the applicant. Mr. Brady asked the applicant to have a seat to open the meeting up to the public.

The Board Attorney swore in Douglas Smith 30 Greenbrook Drive, West Milford. He has no problem with the fence. The only reason he is present is because several years ago, his side neighbor on the corner of Spring and Greenbrook erected a 6 foot fence from the street to his house which is a site distance problem. It has been brought to the attention since neighbors have moved away. It is a nightmare for his driveway and Spring Street to get out. He does not believe the person had a permit or a variance on it. It is still there after four or five years and he was told to take it down by the Zoning Officer. It was brought to mind again, he is a former Township Employee and did not want to overstep his bounds by saying anything, and he just recently retired. Now, he can open his mouth. Mr. Glatt explained he understands his concern with the other property but talking about this application. Mr. Glatt asked since he has knowledge of site distance if this fence would this pose the same problem. Mr. Smith said no, none whatsoever. He wanted to mention it. Mr. Brady encouraged Mr. Smith to go to Town Hall especially if there were no permits for the property at Spring and Greenbrook. Mr. Smith thought that Mr. Schultz was fighting the issue and this was a couple of years ago.

As a Township Employee did not know whether to mention it while still working for the Township. There is no site distance problem.

Motion by Steven Castronova to close the public portion

Second by Ada Erik

All in favor to close the public portion

Opposed: none

Mr. Brady asked if anyone had any further discussion or perhaps a motion.

Steven Castronova visited the site and had no problem with it, it would be helpful for children and what not. There are no negative comments from any professionals.

Motion by Steven Castronova to approve the bulk variance

Second by Frank Curcio

Mr. Drew asked if there should be a condition that the eventual location of the fence be approved by the Engineering Department before it is installed because the Engineering Aide stipulated that the fence as shown does not match the dimensions as labeled. It might be best so it does not wind up on the Town right of way. It is five feet from the property line the way the dimension is shown but Eric Miller's comment says that the way the fence is drawn does not match the dimensions as labeled. If the survey is correct the fence dimensions should be revised to comply with the five-foot setback. The applicant was asked if she understood, it is shown on the map differently. The applicant stated that she thinks her math was bad. Mr. Glatt explained there would be a condition in the resolution where she would have to correct what is there so there would be no problem in the future. Ms. Evanchick asked how she should go about doing that. Mr. Drew suggested that she discuss it with Eric Miller and find out what the concerns were because the plan shows the setback 5 feet from the property line. Mr. Drew asked if the location of where she believes her property line starts could be verified and she indicated that when the pool was put in it was a certain distance from there. Mr. Glatt further explained that when she had the survey done, was the property staked. She commented when it was done it was 17 years ago and she believes that they did everything by the book. Mr. Glatt explained that if the Board grants the application, she will have to go to Engineering and satisfy them. So we know the exact dimensions. The map will be revised as well it will need to be five feet off the property line.

Mr. Brady explained that in his experience when a plot plan is created there should be one stake. Sometimes four but at least one there needs to be an exact measurement. Mr. Glatt reiterated that she needs to go to the Engineering Department to satisfy Eric Miller. If it ok with him then it is okay. If there is an issue and he tells the applicant she needs a new survey and the property staked, then that is what it will have to be. The Engineer will make the decision. She will contact Engineering and ask if there are concerns.

Mr. Castronova amended his motion to add subject to the Engineer's approval.

Mr. Curcio amended his second as well.

Mr. Glatt asked if there were facts in Mr. Castronova's motion about two front yards and Mr. Castronova said yes and technically it is three sides.

Roll Call Vote:

Yes: Ada Erik, Steven Castronova, Arthur McQuaid, Frank Curcio, Vivienne Erk, Robert Brady

No: none

Mr. Glatt explained that there will be a resolution memorialized hopefully at the next meeting. There is an appeal period that runs 45 days from the date of publication. If something is done within the 45 days, and someone decided to appeal it and she lost, she would run the risk of having to take it down. After the 45 days the public is barred from interfering.

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 Frank Curcio
All in favor to accept the invoices.

Motion by Ada Erik to approve the Regular Meeting Minutes of April 26, 2011
Second by Steven Castronova
All in favor to accept the minutes as written

Motion by Ada Erik to adjourn the meeting of May 24, 2011.
Second by Steven Castronova
All in favor to adjourn

Meeting adjourned at 8:16 p.m.

Adopted: June 28, 2011

Respectfully submitted by,

Denyse L. Todd, Secretary
Zoning Board of Adjustment