

**MINUTES
of the Township of West Milford
Passaic County, New Jersey
ZONING BOARD OF ADJUSTMENT**

**JUNE 26, 2007
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at **7:44 p.m.** The Board Secretary read the Legal Notice.

PLEDGE

Mr. Brady asked all in attendance to join in the Pledge of Allegiance.

ROLL CALL

Present: Ada Erik, Daniel Jurkovic, William Lynch,
Barry Wieser, Frank Curcio and Robert Brady.
Also Present: Stephen Glatt, Board Attorney, William Drew, P.P., Planning
Director, and Tonya Cubby, Board Secretary
Absent: Francis Hannan, Arthur McQuaid, Gian Severini, Richard
McFadden, P.E.

Following Roll Call, Chairman Robert Brady asked Mr. Curcio to be sworn in as Alt. #2 Mr. Brady explained the procedures for the Zoning Board of Adjustment. The Chairman appointed Mr. Wieser and Mr. Curcio to sit on the Board for 2 of the 3 absent regular members. Mr. Glatt explained that 3 of the applications were for bulk variances and to be successful they need to have a majority vote. They need 4 out of the 6 votes of the members seated tonight, normally there is a 7 member board, there cannot be a tie. Upper Greenwood Lake is a use variance, and considered to be more significant than a bulk variance and the municipal land use law has an enhanced vote requirement, an applicant must have at least 5 votes in order to be successful on this application. Mr. Glatt confirmed with UGL's council that he explained this to his client. If anyone doesn't want to take a chance with the six member board they may ask for an adjournment and it will be placed on the next agenda either the same place or higher. Mr. Drew explained that the personnel in the Planning Department has changed over and with Grace Davis retiring Tonya Cubby will be taking over as Planning Board Secretary and a new secretary was needed in the Department. This employee also assumes the position of Secretary to the Zoning Board of Adjustments.

Appointment of Board Secretary: Denyse Todd

Motion by Ada Erik to appoint Denyse Todd as Secretary to Zoning Board of Adjustments.

Second by Daniel Jurkovic

Roll Call Vote:

Yes: Ada Erik, Daniel Jurkovic, William Lynch, Barry Wieser, Frank Curcio, and
Robert Brady
No: None.
Abstain: None.

MEMORIALIZATIONS

SHILOH BIBLE CAMP, INC.

RESOLUTION No. 8-2007

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

Motion by Ada Erik to **approve** Resolution #8-2007 to extend the time extension for the approved Preliminary & Final Site Plan for one year, through June 28, 2008

Second by Daniel Jurkovic

Roll Call Vote:

Yes: Ada Erik, Daniel Jurkovic, Barry Wieser, and Robert Brady

No: None

Abstain: None

Motion carried.

PETER ESPOSITO

RESOLUTION No. 9-2007

Mountain Lakes Autowash

Amended Preliminary & Final Site Plan

#0620-0120AB

Block 6701; Lot 13

1946 Union Valley Road; CC Zone

Motion by Daniel Jurkovic to **approve** Resolution 9-2007 that amended Preliminary and Final Site Plan of a previously approved landscaping plan.

Second by Ada Erik

Roll Call Vote:

Yes: Ada Erik, Daniel Jurkovic, Barry Wieser, and Robert Brady

No: None

Abstain: None

Motion carried.

JOHN BAROUNIS

RESOLUTION No. 10-2007

Bulk Variance #0630-0763

Block 1816; Lot 10

685 Lakeshore Drive; LR Zone

Motion by Ada Erik to **approve** Resolution No. 10-2007 which requested a bulk variance for the purpose of a side yard setback, front yard setback, maximum building height and building coverage for the construction of a single-family dwelling.

Second by Daniel Jurkovic

Roll Call Vote:

Yes: Ada Erik, Daniel Jurkovic, Barry Wieser, and Robert Brady

No: None

Abstain: None

Motion carried.

VINCENT LANZA

Resolution No. 11-2007

Bulk Variance #0630-0753

Block 2707; Lot 3

33 Flanders Road; LR Zone

Action: Bulk Variance approval for lot frontage, lot area, lot width, lot depth, minimum front, side and rear yard setback and building coverage, and relief from the MLUL C.40: 55D-35 requirement that no permit for the erection of any building or structure shall be issued unless the lot abuts a public street giving access to such proposed building or structure, to enable the construction of a single-family dwelling.

Eligible to Vote: Ada Erik, Francis Hannan, Daniel Jurkovic, William Lynch, Arthur McQuaid, Gian Severini, and Robert Brady

This resolution was not available at the time of the meeting. It will be available at the July meeting.

VINCENT LANZA

Resolution No. 12-2007

De minimis Exception

Block 2707; Lot 3

33 Flanders Road; LR Zone

Action: *De minimis* exception from the Residential Site Improvement Standards N.J.A.C. 5:21-3.1 for pavement, curbs, storm drains, etc.; granted

Eligible to Vote: Ada Erik, Francis Hannan, Daniel Jurkovic, William Lynch, Arthur McQuaid, Gian Severini, and Robert Brady

This resolution was not available at the time of the meeting. It will be available for the July meeting.

MERYL V. DAVIS

RESOLUTION No. 13-2007

Bulk Variance #0630-0748

Block 9710; Lot 3

10 Bergen Drive; R1 Zone

Motion by Ada Erik to **approve** Resolution No. 13-2007 for a side-yard setback; lot coverage; so as to permit the construction of a two car attached garage with a second floor living area.

Second by Daniel Jurkovic.

Roll Call Vote:

Yes: Ada Erik, Daniel Jurkovic, Barry Wieser, and Robert Brady

No: None

Abstain: None

Motion carried.

GRZEGORZ & BOZENA CIELOCH

RESOLUTION No. 14-2007

Bulk Variance #0530-0695

BLOCK 14113; LOT 43

21 Apple Lane; LR Zone

Motion by Ada Erik to **approve** Resolution No. 14-2007 for lot width; lot depth; front yard setback; side yard setback and rear yard setback so as to permit construction of a single-family dwelling.

Second by William Lynch

Roll Call Vote:

Yes: Ada Erik, Daniel Jurkovic, Barry Wieser, and Robert Brady

No: None

Abstain: None

Motion carried.

DONALD AND SIOBHAN PARTINGTON

Resolution No. 15-2007

Bulk Variance # 0730-0770

Block 11103; Lot 5.01
572 Snake Den Road

Action: Request for Bulk Variance relief to construct a fence 8 foot in height in the rear and side front yard when maximum permitted height is 6 feet .

Eligible to Vote: Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Barry Wieser, and Robert Brady

This resolution was not available at the time of the meeting, should be available at the July meeting.

APPLICATIONS CARRIED FROM PREVIOUS MEETINGS

RICHARD SCHAEFER

Bulk Variance #0730-0766

Block 7512; Lot 4

33 Pinecliff Lake Drive; LR Zone

Action: Request for a Bulk Variance relief to construct an accessory building closer to the principal structure than permitted, located within the front yard and exceeding maximum accessory building coverage.

Testimony was taken on March 27, 2007, April 24, 2007 and May 22, 2007. Mr. Brady asked Mr. Schaefer to explain the plan revisions because the other plan had a sight distance problem. Mr. Schaefer said that they wanted the garage as close to the house as possible so the plan revisions show a covered porch. They also have a rain collection problem so this change in their plans would also help with rain since it will be somewhat of a catch basin. Mrs. Schaefer said that Mr. McFadden's request of the removal of the forsythia bush would be removed. The other questions of Mr. McFadden's were addressed. The applicant will remove the hedge; they have no intention of constructing a driveway, Mr. McFadden's memo of June 15, 2007 discusses the contours and that they were not provided. Mr. Schaefer responded to that saying it wasn't supplied since it is a flat lot. Mr. McFadden spoke with Mr. & Mrs. Schaefer and it didn't seem to be a problem for the distance as it is at least a car length. The shed will be removed. Mr. Schaefer was asked to speak about the lot coverage. Mr. Schaefer said the original house is 11% adding garage and porch would bring it to 15.8%. The only way to reduce it is by having a detached garage and that did not work last time. It is the same plan but not detached. The Schaefer's want to cover the porch because it looks nicer and the neighbors would like it better. They supplied visual aids to show how their plan would work. With the required site distance being 90 feet, this plan will be just short of that it will be 89.8 feet, 4 inches different. 150 feet required for an intersection. Mr. Brady asked the Schaefer's to explain why they wanted the garage covered. Mr. Brady also asked them to explain the hardship for record purposes, the difference between an attached and unattached garage. The applicant responded that it would be a hardship if the garage were unattached because it would impact the sight distance from their driveway and they couldn't get it passed safely by the town. Their hardship is that it has to be attached to the house because there is no other place they could put a garage on their lot. Mr. Glatt confirmed that the porch is more of a breezeway and not living space. The extra doors for the garage are for ventilation purposes as it will be for woodworking. A Storage loft is shown above for storage only, no living space above, a dormer for extra light. Mr. Jurkovic asked if there be any plumbing or electric? Mr. Wieser asked if there would be heat in the loft is over the garage/porch, Mr. Schaefer said there would be no heat, no bedrooms. The only electric would be some outlets. Mr. Brady asked if there were any other questions from Board members. Mr. Drew asked about the elevation of the garage. Mr. Schaefer explained that it might have to be a little taller to tie into the roofline better. Mr. Drew asked about the difference in building coverage with covered porch versus uncovered and Mr. Schaefer said less than 1%. Their plans changed to have the garage abut the house instead of a detached garage. Mr. Lynch agreed that aesthetically it would be nicer because it ties the accessory building to the house with a porch. Mr. Jurkovic

asked since the lot coverage was such an issue could Mr. & Mrs. Schaefer explain why it had to be 17 X 20. Mr. Schaefer said that that is the minimum size so if he ever wanted to he could use it as a storage garage and put a car in there. He knows he will never have a 2-car garage as most of the neighbors have and that isn't a problem but he needs the room for at least a workbench and a car. The standard garage is 24' X 12'; he can't do 24' because it wouldn't look right. He can fit 20', 17 feet for workbench and 12' for storage of an automobile. Mr. Drew asked how many of the neighbors have garages. Mr. Schaefer responded with a list of predominately-detached garages. Mr. & Mrs. Schaefer brought several photographs of the neighbors' garages and Mr. Glatt marked them Exhibits A-1 - the spreadsheet of the garages and 13 photographs marked exhibits A-2 through A-13. They are either on Pinecliff or Bearfort and all are lakefront properties. Their model of the porch was not marked into evidence. Mr. Jurkovic asked about the covered porch area 13'8" x 7'4" or 100.2 square feet so percentage of overall lot is 15.8%. The Board reviewed the photos. At this time Mr. Brady opened the meeting to the public there was no one to speak for or against. Ada Erik made a motion to close public portion and William Lynch second. Mr. Lynch also made a motion to approve the resolution but it was realized that he wasn't present at all of the meetings at which testimony was given. Mr. Jurkovic commented on the fact that Mr. & Mrs. Schaefer had considerable lot coverage with this plan and with the impervious coverage, the drainage is usually a problem but he was at the site and decided that drainage shouldn't be a problem. The applicants made a great effort to comply with the Board to make it as safe as possible. The BOA asked him to reconsider original plans for site distance problems on previous plan and a great effort made. Mr. Brady also commended Mr. & Mrs. Schaefer for responding to the Board's concerns on this application. Were there any other questions?

Mr. Drew repeated the conditions of the Board's Engineer memo of June 15, and that the applicant testified there would be no plumbing, no heat, and no living accommodations on either first or second floor of the garage, and that the hedge and also the shed will be removed.

Motion by Daniel Jurkovic to approve Bulk Variance #0730-0766, Block 7512; Lot 4; 33 Pinecliff Lake Drive; LR Zone, with the conditions of the Engineer's memo dated June 15, 2007.

Second by Ada Erik

There was some question as to whether Mr. Lynch was at all meeting where testimony was heard on this matter. Mr. Glatt said so that there is no question, would someone make a motion.

Motion by Daniel Jurkovic to reaffirm and incorporate by reference his earlier comments and the other board members comments with respect to the inclusion of the engineering plan and removal of shrubs and the shed.

Second by Ada Erik

Roll Call Vote:

Yes: Ada Erik, Daniel Jurkovic, Barry Wieser, and Robert Brady

No: None

Abstain: None

Motion carried.

1952 UNION VALLEY ROAD, LLC
Use Variance #0540-0698
Preliminary & Final Site Plan #0420-0167AB
Bulk Variance #0430-0647
De Minimis Exception
Block 3601; Lots 1 & 3
1952 Union Valley Road; CC Zone

This application was withdrawn at the request of Mr. Qarmout. It was withdrawn without prejudice, as it is voluntary on Mr. Qarmout's part, he would be able to reserve the right to reapply and Mr. Drew explained that he would need to re-notice and submit 13 revised copies of the plans. Mr. Qarmout hopes to be back this year.

NEW APPLICATIONS

Christopher Fulton

Bulk Variance # 0730-0773
Block 8602; Lot 45
4 Cherbourg Drive; R-2

Request for Bulk Variance relief for fence height to construct a fence in the front yard with a height of 6 feet.

Mr. Fulton was sworn in. Mr. Brady asked Mr. Fulton to make his presentation to the Board. He explained that being on a corner lot that he basically has two front yards. The fence would be a board on board fence. He would need a 6-foot fence because of a 75lb dog. Mr. Drew explained that the fence requirements are maximum height 6 feet side or rear and 4 feet on Continental and Cherbourg. Since Mr. Fulton's property faces 2 streets, he would have to have 2 4ft sides and 2 6ft sides. Mr. Fulton said that the pool was removed. Mr. Jurkovic asked about the Engineer's comments regarding landscaping. Mr. Fulton said he would trim bushes to less than 4 feet. Mr. Fulton agreed to 20 feet to the street so it would not impact the line of site for his neighbors.

Mr. Brady opened the discussion to the public. Sharon Sodon, a neighbor, who lives at 10 Cherbourg Drive was sworn in and expressed some concern.. She was there for her husband, whose primary concern was that she would not be able to see towards Continental. Neighbors behind her would not be able to see backing out because of the obstruction of the fence. She had not seen the plans she was not sure her husband would approve and she was concerned about a wooden box sticking out to the street. Mr. Brady said the Continental side would be 20 feet as a condition of approval. Mr. Jurkovic said the Engineer was only concerned about the shrubs, no other site distance problems. Mr. Glatt said that Mr. Fulton is improving site distance beyond what is required by the Engineer and made it safer voluntarily. Mrs. Sodon said if there is no obstruction in the road, she does not object.

Motion by Ada Erik to close public portion of the meeting.

Second by William Lynch

Motion by Ada Erik to **approve** application #0730-0773 for bulk variance with the reduction of the fence to the street and with the trimming of the hedge. Also Mr. Jurkovic asked for revised drawings and Mr. Brady asked for them to show the 20 feet on the plan for review purposes.

Second by William Lynch

Roll Call Vote:

Yes: Ada Erik, Daniel Jurkovic, Barry Wieser, Frank Curcio and Robert Brady

No: None

Abstain: None

Motion carried.

Joseph Orzo

Bulk Variance # 0730-0778
Block 902; Lot 1
600 Warwick Turnpike; LR

Request for Bulk Variance relief for fence height to construct a fence 6 foot in height in the front yard when maximum permitted height is 4 feet.

Mr. And Mrs. Orzo came forward and Mr. Glatt swore them in. They stated that they live at 600 Warwick Tpke. They have a daughter who will play in that area of their yard, they are requesting this for safety reasons. They are near the Mountain Jug and gas station, busy area. Mr. Brady asked if it would be a wooden fence and they said yes and the fence design was shown. The two lots shown on a submitted survey were combined recently so there is one lot. There will be landscaping in front of the fence. Ms. Erik asked about the landscaping in front of the fence and Mr. Jurkovic asked about the property lines and surrounding terrain. Mr. Orzo responded telling him that there were rock ledges. Mr. Drew asked specifics about the fence in front of the property, what will the height be and would the fence be on top of the wall? Mr. Orzo said that because of drainage problems that the fence would be on top of the retaining wall. From the house side it will be 7.5 feet, 6 feet on the roadside. Mr. Drew asked if the driveway was removed per the engineer's memo. Mr. Orzo stated that yes it will be removed and the same configuration would be used but gravel.

Mr. Brady opened the meeting to the public. There were no questions.

Motion by Ada Erik to close public portion
Second by Daniel Jurkovic

Motion by Daniel Jurkovic to **approve** Bulk Variance #0730-0778 for safety reasons since the property is situated on Warwick Tpke. There are speed issues. There will be no sight distance issues since it is 30 feet off the street.

Second by Ada Erik

Roll Call Vote:

Yes:	Ada Erik, Daniel Jurkovic, Barry Wieser, Frank Curcio and Robert Brady
No:	None
Abstain:	None

Motion carried.

At 9:02 Mr. Brady called for a break.

At 9:25 The Board reconvened. The Upper Greenwood Lake Property Owners Application was to be heard. Mr. Glatt explained to Mr. Sweeney the attorney for this applicant that one of the members, Mr Curcio had recused himself because he is a resident of Upper Greenwood Lake and also there was some question as to where Gian Severini lived. Mr. Sweeney said they would carry this application to the next meeting only as a 5 member board was present. Mr. Glatt carried to July 24, 2007 meeting.

UGL PROPERTY OWNERS ASSOCIATION
Use Variance #0740-0775
Bulk Variance #0730-0776
Preliminary & Final Site Plan #0720-0292AB
Block 2007; Lot 9.03
Lakeshore Drive; LR Zone

COMPLETE: 05/17/2007
DEADLINE: 09/14/2007

Request for a Use Variance, Bulk Variances, and Preliminary and Final Site Plan approval on property located at Lake Shore Drive, Block 2007; Lot 9.03 in the LR Zone with Use Variance relief requested for an accessory structure without a principal structure on the lot, and Bulk Variances for maximum building coverage and an accessory building in a front yard, and Preliminary and Final Site Plan approval.

Carried to July 24, 2007 since all of the Board Members weren't present

APPROVAL OF MINUTES

Motion by Ada Erik to approve the minutes of the May 22, 2007 Regular Meeting of the Zoning Board of Adjustment.

Second by William Lynch

On a Voice Vote, all were in favor of approving the minutes of May 22, 2007.

Motion carried.

Miscellaneous

Mr. Jurkovic commented on the good article about the planning information in the May/June, 2007 Planner. There are no sessions scheduled for the fall as of yet for the planning seminar and the sites for these seminars are already established so we could not be one.

Mr. Drew talked about receiving the Quick Chek Application and that perhaps Hakim Associates could assist with that for landscaping purposes since it is in the center of town and important for aesthetics so he should review the plans.

APPOINTMENT

Motion by Mr. Brady to approve **Resolution 16-2007** Michael Hakim, Landscape Architect, as a consultant for the Zoning Board of Adjustment.

ADJOURNMENT

With no further business to attend to, Mr. Brady asked for a motion to adjourn the Regular Meeting of the Zoning Board of Adjustment.

Motion by Ada Erik to adjourn the meeting of June 26, 2007.

Second by William Lynch.

On a voice vote all were in favor of adjourning the June 26, 2007 Regular Meeting of the Zoning Board of Adjustment.

Motion carried.

Meeting adjourned at 9:34pm

Adopted: July 24, 2007

Respectfully submitted by

Denyse L. Todd, Secretary
Zoning Board of Adjustment