

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

September 25, 2007
Regular Meeting

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

Pledge of Allegiance

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

ROLL CALL

Present: Ada Erik, Francis Hannan, Daniel Jurkovic, William Lynch, Gian Severini, and Robert Brady

Also Present: Barry Wieser, Frank Curcio, Stephen Glatt, Board Attorney, William Drew, P.P., AICP, Planning Director, Richard McFadden, Township Engineer and Denyse Todd, Board Secretary

Absent: Arthur McQuaid

Following Roll Call, Chairman Robert Brady explained the procedures for the Zoning Board of Adjustment. He also asked Mr. Wieser to stand in for Mr. McQuaid

MEMORIALIZATIONS

UGL PROPERTY OWNERS ASSOCIATION

RESOLUTION No. 21-2007

Use Variance #0740-0775

Bulk Variance #0730-0776

Preliminary & Final Site Plan #0720-0292AB

Block 2007; Lot 9.03

Lakeshore Drive; LR Zone

Requested: Resolution #21-2007 to approve the 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 coverage and an accessory building in a front yard, and Preliminary and Final Site Plan approval.

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, William Lynch, Gian Severini and Robert Brady.

No: none

Abstain: none

Motion carried

RICHARD AND KAREN SUMMERS

RESOLUTION NO. 23-2007

Bulk Variance #0630-0755

Block 6902; Lot 29

1771 Union Valley Road; CC Zone

Request for a Bulk Variance for a Rear Yard setback, required 50', existing 51' proposed 26.55'.

THIS RESOLUTION WAS NOT AVAILABLE AT THE PRESENT MEETING.

EXXON POSTPONEMENT- Simone Senesi of the law firm of Gregory D. Meese, Esq., attorney for the applicant, requested an adjournment because of the lengthy agenda and requested a new hearing date so that they didn't have to re-notice. Mr. Glatt asked how many witnesses and they said 5. Mr. Glatt said that he spoke with Mr. Meece and it was indicated that Exxon would be requesting an adjournment because of the professionals that would be in attendance and the 5 witnesses.

MOTION by Ada Erik to carry this application to the October 23, 2007 meeting.

SECOND Daniel Jurkovic

Roll Call Vote:

Yes:	Ada Erik, Francis Hannan, Daniel Jurkovic, William Lynch, Gian Severini, Barry Wieser, Robert Brady
No:	none
Abstain:	none

Mr. Brady explained that depending on October's agenda they would try to move them up. Mr. Glatt said that perhaps they should be prepared with 2 witnesses. Mr. Glatt said that there is no need to re-notice and anyone wishing to hear this matter should return for the October 23, 2007 meeting.

STRENGTHEN OUR SISTERS

Use Variance #0740-0772

Block 14701; Lot 53

76 Old Route 23; NC Zone

Use variance request for use not permitted in the NC Neighborhood Commercial zone.

Sara Dubinsky, Esq. of McCarter and English requested 60 day adjournment for the purpose of filing an interpretation. Mr. Glatt reiterated the reason and said he knew there was a previous interpretation request filed. Mr. Glatt asked will testimony need to be heard for the outcome of the interpretation? Ms. Dubinsky said yes. Mr. Glatt asked if both applications would be heard at the same. Ms. Dubinsky said that the interpretation would be heard first. Mr. Glatt asked if it would be redundant in testimony. Ms. Dubinsky said no. Mr. Glatt said that he didn't believe that McCarter English was involved in the previous applications but neither attorney was present only members of the public. They were dismissed without prejudice and the follow up use variance application was dismissed in 2005 for failure to appear/prosecute in 2004 and 2005. Mr. Glatt said he was afraid that the process was being used and that these applications should have been filed years ago. Mr. Glatt said he didn't think Ms. Dubinsky's firm wouldn't show up but he felt that they would bifurcate the application and then the interpretation would be heard at one meeting and the use variance another meeting. Previously there was no courtesy of a request of an adjournment; the attorney's just wouldn't show up. Ms. Dubinsky said that the firm was committed to the case and their client was as well. There were previous financial problems because of volunteer attorneys; they were going to see it to a logical end. Ms. Dubinsky said because of financial constraints they were having difficulty finding an expert and were actively seeking within Rutgers and Seton Hall Universities and the Planning Community for an expert. Ms. Dubinsky assured that they were following through with the applications and are planning to prosecute to the fullest.

Mr. Glatt asked if Ms. Dubinsky looked at the previous application for the previous interpretation she said that she requested it and had not received it as of yet. Mr. Glatt asked if she was in the Planning Department and had the opportunity to look at the file and she said yes. Mr. Glatt asked if the interpretation would be the same as last time and she said yes. Mr. Glatt said that the previous application had some issues where the applicant had to prove that they were categorized as a certain entity for the State and they were unable to do that. Ms. Dubinsky said that was only one aspect of it and that she doesn't know if a Use variance is necessary as the Township is stating. That is why she wants an interpretation of the Municipal Land Use Law and certain Constitutional Law for having a shelter.

Mr. Glatt said playing, devil's advocate, if interpretation is denied will they file an appeal because then the use variance gets put off. If affirmed then the application would be around again. Mr. Glatt said he knows Ms. Dubinsky is committed to seeing this through, but is McCarter & English? She said that she is a member of McCarter & English. Ms. Dubinsky further states that they would go to the Appellate Division, and they would go for the Use Variance if after the Interpretation, it is necessary. Again they are committed. Mr. Glatt said they are asking for 60 days, when would she plan on having a brief for Mr. Glatt, 30 days was decided. Interpretation application would then be filed for the November 27, 2007 meeting.

Mr. Brady asked if anyone wanted to make a motion.

Mr. Jurkovic said that he told Mr. Brady that he was recusing himself from this matter and would continue to do so.

Motion by Francis Hannan
Second Ada Erik

Roll Call Vote:

Yes: Francis Hannan, William Lynch, Gian Severini, Barry Wieser
No: Ada Erik, Robert Brady
Abstain: none

Mr. Glatt gave Ms. Dubinsky contact information and told her they need to re-notice.

Mr. Brady said it would be carried 60 days until November 27, 2007.

CARRIED APPLICATIONS

NEIL OTTENS
Use Variance #0640-0759
Block 1907; Lot 1
7 Parlin Court; LR Zone

Request for a Use Variance approval for placement of a septic field on an adjoining unimproved lot (Block 1911; Lot 4) crossing over Township right of way.

Mr. Affinito said Mr. Ballester would not be there that he was on vacation. Mr. & Mrs. Ottens were present. Mr. Affinito said that he had questions on the Engineer's report that was given to him this evening.

Mr. Affinito handed out some correspondence that was requested by the Board at the previous meeting to surrounding landowners of vacant land and Upper Greenwood Lake Property Association. He had copies for Board Members. Mr. Glatt marked Mr. Romer's letter as Exhibit A-2 (A-1 previous meeting-septic plan) the Board was reading the information given to them by Mr. Affinito. Mr.

Glatt said that he had some concerns regarding Mr. Romer's letter. A-2 letter dated September 18, 2007 from Mr. Romer, who represents Upper Greenwood Lake Property Owners Association. The letter indicates that the Township has accepted the road but laws would dictate the Right of Way. Mr. Glatt said that the Use Variance was filed because of the Township not taking over the road. All in agreement. Mr. Romer's letter spoke about a previous case where this property was concerned. Mr. Glatt said if Township did take road then they would need their permission to cross right of way. Mr. Affinito wants to make sure they have permission before going on.

Engineer's review-The distance between septic and Parlin Court should be increased, Septic field at edge of cliff. Mr Affinito asked if the Board require this, Mr. McFadden suggested it is not a requirement. Mr. Affinito said he needs to talk to Mr. Ballester. Same comment as previous month. Mr. Jurkovic said that as said previously, the contours are not shown on map. Mr. Ballester needs to show more information on plan. Mr. Affinito said he would talk to Mr. Ballester. Mr. Jurkovic would have accepted Mr. Ballester's statement if all of the information was shown on map.

Mr. Glatt said it would be more prudent to come next month. Mr. Brady said that we trust our expert and since their expert isn't present it would benefit the applicant to postpone until next month. At least one map showing the delineation should be submitted to answer all questions. Mr. Lynch commented that Mr. McFadden's report doesn't say the septic has to be back. Mr. Brady said without all information in front of them if voted on Mr. & Mrs. Otten could be stuck in a situation and not be able to rectify after all. Mr. Hannan said he would really like all the facts in front of him. Mr. Brady and Mr. Hannan said they don't like to have it postponed but in light of the questions. If contour lines were shown then they would be able to answer questions. Mr. Affinito said if they were postponing then either Mr. Ballester would be at the meeting or further details will be shown on map.

Mr. Glatt asked Mr. Affinito if anyone responded to the letters noticing the surrounding property owners. Mr. Affinito said no but showed proof of certified letters being mailed. Mr. Glatt marked these letters as exhibits A-3, 4 & 5. Only 1 copy of each kept with file.

Mr. Brady asked if there were any issues other than the septic field moving that could be discussed at this meeting. Mr. Affinito said that was all but he had a question about Mr. McFadden's report, with regard to the easement. Does the Township have the authority to respond if they accepted the road. Mr. Glatt said Mr. Affinito should write a letter to the Township Attorney and ask if the Township accepted the road or not, and that would answer any questions with regard to this and they could go on.

Mr. Affinito said only one issue moving septic field, map, and septic field.

Mr. Jurkovic asked Mr. McFadden why he wanted the septic back and Mr. McFadden said that if the road were improved then the septic field would need to be relocated. Mr. Affinito said it wouldn't be a big deal. Mr. Affinito said he would make sure that Mr. Ballester was at next meeting and plans were revised to show all information. Mr. Affinito said he would like to request a postponement. Mr. Glatt said it would have to be an extension because of the deadline of November 13, 2007.

Motion by Ada Erik to adjourn to October 23, meeting
Second Gian Severini

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, Daniel Jurkovic, William Lynch, Barry Wieser and Robert Brady

No: none
Abstain: none

No need for further noticing needs to sign extension request form. Form not available will fax to him the 26th of September.

DALE FLORES

Bulk Variance #0730-0786

Block 2014; Lot 20
452 Lake Shore Drive, LR Zone

Request for a shed in the front yard, permitted in side or rear yard only.

Mr. Glatt swore in Mr. Dale Flores.

Mr. Flores stated that he was requested to change the slope of the ramp of the shed. He lowered it 4 inches. Mr. Glatt requested the previous exhibit numbers. The secretary supplied the previous pictures from the August 28, 2007 meeting. The identifying numbers are A-1 through A-5. The new exhibits are A-6 & A-7. A-6 is showing the ramp is 12 inches. A-7 after lowering it it was 7 ½ inches. He lowered it with a floor jack. If gravel ramp is lowered more he would need to excavate and dig it into the ground. Level picture is A-8, and A-9 depicts wooden ramp to gravel. Property is 13 inches higher than the street. There is a for sale sign on the property and Mr. Flores was asked about that. Mr. Flores received a report this evening after speaking with Mr. McFadden. Mr. Flores is not able to turn shed. Mr. Jurkovic asked the length of the boards. They are 4 feet long. Mr. Jurkovic asked about the blocks. The Engineer feels the slope is still too high. Mr. Flores said that if it was moved anymore than it would again be a steep slope. He would have to excavate under the shed. The Engineer said if it was turned he would not worry about the slope. Mr. Glatt asked about a new photo (possibly copy of photo) it was re-marked as A-9. Mr. McFadden was asked which side he would want it turned toward, Mr. McFadden said toward the right toward the house. Mr. Flores is saying no matter what it can't be done. Mr. Flores said he would take the shed with him. If ramp is removable would the Board approve it? Mr. Brady said that he didn't think that was the issue since the contents could still roll into the street and they were trying to suggest the safest way. Mr. Jurkovic asked if Mr. McFadden and Mr. Flores could talk during a break and possibly Mr. McFadden could make some suggestions to come to a conclusion. A Board member asked about the total distance from shed 4 feet plus 10 feet to the road.

Mr. Brady asked for a motion to take a break early.

Motion by Ada Erik
Second Daniel Jurkovic
All in Favor

Returned from break, Mr. McFadden said that Mr. Flores explained why, he couldn't turn the shed. If he turned the shed and set it close to the tree, he still could not back out his motorcycle and turn it to exit because of the walls on the property. He wouldn't be able to turn the 9 foot bike with it in that direction. Mr. McFadden said to lower gravel ramp portion to 10% then wooden ramp to 20%. A Board member asked Mr. McFadden if he was comfortable with that change and Mr. McFadden said it would be the best solution without moving the shed.

Mr. Jurkovic asked if the applicant would really remove the shed if he sold his house. Mr. Flores said yes, it comes with him. Mr. Glatt said if that were the case he would require the Resolution to be recorded in the County Clerk's Office. Mr. Flores joked that Mr. Glatt could take it.

Mr. Brady asked for any questions.

Public portion Open Meeting Acts

Motion by Ada Erik to close public portion
Second William Lynch

Mr. Glatt said that the time is wrong on the clock in the front of the room is the wrong time.

MOTION by William Lynch to approve with conditions of Mr. McFadden and removal of shed if Mr. Flores decides to sell
SECOND: Ada Erik

Roll Call Vote

Yes:	Ada Erik, Francis Hannan, Daniel Jurkovic, William Lynch, Barry Wieser and Robert Brady
No:	None
Abstain:	None

Mr. Brady told Mr. Flores that he didn't need to attend the next month for the Resolution Memorialization.

NEW APPLICATIONS

SOMERVILLE LLC

Use Variance #0740-0779

Preliminary and Final Site Plan #0720-0298AB
240 Longhouse Drive
Block 2202; Lot 5.01,R-4 zone

Request for a use variance for use not permitted and preliminary and final site plan for a 28 X 40 addition.

Larry Kron is the attorney from Nusbaum, Stein, Goldstein, and Bronstein & Kron representing Somerville, LLC. This property is 51 plus or minus acres. He explained the location of the property which is near the New York border. Advoserve owns this property; he said the use is permitted in all municipalities. Currently, 1st building has 14 beds 9 bedrooms 2nd building has 10 beds and 6 bedrooms. There is a vacant building that is part of the site plan for expansion which is what they are seeking approval for tonight and there are several ancillary buildings. Under the Municipal Land Use Law, developmentally disabled residences allow 15 people. The State and Township already approved 24 people and they are asking for 34 people in the existing building. Their Engineer supplied Zoning justification for this. Housing for this is a beneficial use under the Municipal Land Use.

Mr. Glatt said that Mr. Jurkovic after hearing the information that Mr. Kron provided, wanted to recuse himself since he does specialize in Elder Law and also sits on the Board for Guardianship of New Jersey, an advocacy group for developmentally disabled people.

Mr. Kron asked if there was another alternate. Frank Curcio took Mr. Jurkovic's place.

Mr. Kron said that the Municipality gets COAH credit for this Use. 4 witnesses of Advoserve, their Planner and Engineer will also be heard.

Theodore Joseph was called and Mr. Glatt swore him in he resides at 17 Barbados Ct., Hamilton, NJ 08691. Mr. Kron asked him some questions how long employed, description of the facility and people who reside there. He said he is a 12-year employee of Advoserve, NJ. This is an adult facility, residents

are 21 or older. They are able to work outside, description of site, beautiful, 24 adults, they have a day program on and off grounds. They are provided with everything the grounds have to offer. They shop and work in the Township. They have been there since 1999, licensed in New Jersey, they have applied for all Certificates of Occupancy from the Township. Mr. Kron asked if they ever left the grounds, never alone always in sight of an employee when on or off the grounds. Prior owner was Sisters of Mercy they were tax exempt. Somerville/Advoserve pays taxes, they are for profit. Mr. Kron asked if anyone ever left the property without supervision? Only one in 7 years took a walk down the street and came back. Mr. Kron asked if the Police Department was ever called? No only ambulance services have been needed. He asked how the residents were housed there? Residents are brought by their families or Developmental Institutions, a few of the institutions or hospitals were named all residents are approved by the State.

Mr. Brady asked the hours of operation, 24 hours, 7 days a week 3 shift changes, supervisors on grounds ratio, 1:3. Mr. Hannan asked about all of the cars there. Only 3 vans for the facilities, employee vehicles, state cars checking in, Overlapping shift changes would have more cars. Since residential area are there any difficulties during shift changes. Which is about 45 minutes for full shift change. Increase in staff would be required if approved. There was a question about security guards, alarms, fences. No there are not any of these, they cannot be locked in.

Russell Stern, 33 Maple Avenue. Licensed Professional Planner, Certified Planner, Monmouth County, Morris County professional in court. Consultant in many areas, All credentials were listed. Currently, managing member Russell Stern, LLC credentials accepted.

He was asked to explain the project. He explained the grounds and explained what was there previously. Boys day camp then infirmary for nuns & priests. In 1999, it was purchased. In 2001 there were 15 residents, In 2002, 24 people resided there. It is medicaid funded, there are fully ambulatory residents. 1 staff member for 3 residents. He had other security information, alarmed doors at night, security cameras that could be accessed from employees' laptops. The buildings are set back from the road, the administration building is on site, there are two existing buildings, UGL 1- 9 bedrooms, 14 residents, UGL 2- 6 bedrooms, and 10 residents. The buildings have a laundry room, kitchen, and entertainment area. There are group rooms on the lower level of the administration building. There is a barn on property, which is used for storage, a gazebo, there was a building demolished with permits. All buildings are set back from roadway. In June, 2007, they were re-licensed by the state. \$29,000.00 taxes. Sizable employer of Township.

Character of area (Longhouse as N/S point) North of property New York State, wooded area to the east or rear, State land, to the South, single family residence, across Longhouse Drive, West Milford Counseling plus other property, Variance requested because they have hit the threshold for amount of residents for a facility of this type.

The building that they want to expand is marked UGL-3 there are 2 garages, there are 2 apartments no one is residing there. In the building where they are proposing the addition, there are garage doors which would be eliminated, windows added. (The 5 bedrooms would be added to the other building) this would be used for administration. Architectural drawings show the laundry room, reception area, office, living area and kitchen space will be utilized for common areas. There is a basement in this building. There is a need for this addition there is a referral list maintained by the State and there are 86 people on the list for this type of facility.

In a report dated September 15, 2007 Mr. Stern stated the permitted uses for this facility, which comply with all Municipal Codes. This area is substantial and could definitely handle

this use within the R-4 Zone.

Section 18-3.3-Principal Permitted Uses Community Residences for the developmentally disabled and community shelter for victims of domestic violence, as defined in R.S. 40:55D-66.1 (not more than 15 developmentally disabled persons). The proposal complies with all bulk zone requirements and exceeds the minimum lot size requirements. Ideally suited because of existing facilities and over sized lot area of 51.77 acres. 15 residents permitted on 4 acre lot.

Community residences for the developmentally disabled are permitted in all single family residential zones of the Township, regardless of lot size as long as the facility complies with the requirements of the zone. Residences with up to 15 people can be located on lots as small as 20,000 square feet in the LR Zone, 1 acre in R-1 zone and so on.

Section 40:55D-66.1 community residences, shelters, adult family care homes permitted use in residential zones. Disabled adults shall be a permitted use in all residential districts of a municipality and the requirements therefore shall be the same as for single family dwelling units located within such districts.

A 'D' variance is necessary from Section 18-3.3, Principal Permitted Use when community residences exceed maximum 15 persons. Within the 'D' Variance positive and negative criteria and beneficial use need to be discussed.

Beneficial Use-Community shelters for the developmentally disabled have been recognized by the Supreme Court as inherently beneficial uses which promotes the public good and is essential to society. This also satisfies the positive criteria for granting a use variance while promoting the general welfare. Since the addition would be on an existing building, the negative criteria will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

The positive criteria is beneficial to the area as in report, suited for this use, allows community residences up to 15 people 13 times the size as cited in the code. Setbacks, buffered from road. Septic is new and sized for the addition. No substantial detriment to surrounding areas. Promotes general area. The site is already operational and licensed as a community residence. Property exceeds the R-4 minimum lot size requirement of 4 acres. Existing structures and addition are buffered from Longhouse Drive and adjoining properties. The application proposes a minor addition and utilizes the existing infrastructure of the property which therefore preserves the light, air and openness of the property (permitted maximum building coverage 10% proposed less than 1 %). It will also preserve the environment since it is a small addition. It prevents urban sprawl and degradation of the environment through the improper use of land by utilizing the existing buildings and infrastructure, which are goals of the State Development and Redevelopment plan.

The negative criteria is minimal no substantial detriment to the public good or substantial impairment of the intent and purpose of the plan and zoning ordinance.

2003 Master Plan- to preserve the semi-rural character of the Township, to preserve the pristine nature of the forest, waterways and sensitive areas, Encourage growth that will minimize air and water quality, encourage a pattern of land use that will provide reasonable residential commercial and industrial land use consistent with the character of the Township, provide municipal and social services to meet the demands of the existing and future population and to achieve efficiency in the administration of these services.

The application assists the Township in meeting its third round affordable housing obligation. The recent Housing Element and Fair Share Plan notes that Advoserve will be applied to meet the remaining rental obligation with the

two remaining bedrooms be eligible for a one for one bonus credit. Advoserve currently is operating at 15 bedrooms with 24 persons and proposes an increase to 20 bedrooms for 34 persons. The additional will be eligible for COAH credits. West Milford will need additional affordable housing to satisfy recommendations and this will serve that purpose. The Township will not endure any cost for this. There is essentially no land disturbance and complies with Highlands and DEP standards. Community residences viable method affordable housing, no cost, not disturbing,

ADVOSERVE, 11 bedrooms, 2 bedrooms credit for housing, 20 bedrooms counting as rental units, rental bonuses, this use will help with those obligations.

Medici- Inherently beneficial use satisfied.

Mr. Drew clarified that our records show 19 bedrooms, testimony tonight is 20 bedrooms not 19. It is 20 bedrooms

Ms Erik asked about COAH, they count bedrooms not residents.

Mr. Brady asked if there were any questions.

Unique use because it will help New Jersey residents

Mr. Brady asked if anyone wanted to make a motion.

Mr. Brady said Linda Gros should stay in case it is heard. Mr. Rubinstein, Bernard Connors, Donald and Dawn Sheridan might want a postponement to next meeting. Mr. Connors wants it carried, no need to re-notice.

Motion Ada Erik to carry Bernard Connors to next meeting

Second

all in favor

Jeff Careaga of Careaga Engineering Inc 1984 Univ. PA, Engineering graduate qualified as professional engineer for land use. Mr. Kron asked Mr. Careaga to explain the plan. They have been working on it for about 3 years, went to Highlands for septic, also it is appropriate, earth work movement, little additional impervious coverage less than 1%, 1100 square feet. Additional storm water generated can be handled by a few dry wells. Parking will be modified for turning. Septic approved by Township, and the DEP. Mr. Kron had a few questions for Mr. Careaga about Mr. McFadden's report, of September 22, 2007, analysis of parking. Total of 34 residents no one driving, 16 parking spaces for 11 cars. There were questions regarding the spaces in front of the garage Mr. Careaga said that the garage doors were being removed so that no vehicles will be stored there. The dimensions of parking spaces should be provided spots are 9X20, handicap van spot 8 X 20 with 5 feet stripe for additional width. Detail for signage for plan and location #5 need report of McFadden's. No curbing anywhere on site, they are requesting a waiver. The crushed pipe is to be taken out. No wetlands, survey shows lowlands, DEP knows. Outdoor lighting is not proposed they will consider it if needed. Dumpster location not specified, it is near administration building, drywell riprap agreed to.

Mr. McFadden, handicap will be 13 feet wide unless they want it wider. The striping will be done. Through Highlands DEP no LOI if needed but not necessary. No wetlands within 300 feet. Curbing is a Board decision, new lots are usually required to have curbing. There was discussion regarding the lighting. There is lighting on property.

Mr. Glatt swore in Heather Moyer who resides at 5-1 Dalewood Ct. Westtown, NY, Program Director at Advoserve, 10+ years, here since 1999, Lights

attached to electrical poles each house has flood lights. Point to point alarms, heard throughout property also windows. All are hard wired for fire and alarm, will receive call from alarm company.

Waiver for curbing requested since not needed for drainage. Mr. Drew asked about parking capacity spaces versus employees. Lot paved only striping needed slightly modified. Spaces delineated are for 11 proposed caretakers for 34 people living there. Sufficient parking for shift change...Ms. Moyer said change in shift would require day shift 5:45 to 2:15 half hour lay over to give 1:45 to 10:15 9:45 to 6:15 Parking problems? Adding 15 employees 5 for each shift 2 days off per week, 11 employees with new employees, change of shift parking, existing parking plus administrative parking lot, always adequate parking, new employees, new building will have its own spaces striped. How many staff for each shift 14 folks four staff each shift large, 10 folk place has 3 employees. How many cars plus all staff at one time, there would be 14 people maximum would be 18 people 20 maximum or 30. Administrators are only there Monday to Friday 8:30 to 5:00. Additional parking at administrative that is different from staff. This parking is only for staff. Any other questions? The Health Department had no problems with this application. NJDEP approvals all satisfied.

Subcode official 1 van accessible 16 feet yes, handicap signs marked and spots close to entrance. Will mark the plans with all parking. No curbs, will show all grading details on plans. Provide all signage. Mr. Drew's report questions have been answered as part of the testimony.

Mr. Kron said they feel they have justified their reasoning for this application.

Mr. Brady opened the meeting to the public in accordance with the open meeting act of the State of New Jersey.

Mr. Glatt swore in Pamela French-Stern who resides at 241 Longhouse Drive. Owns West Milford Counseling across the street works with this type of service Passaic County's Project Manager for youth case management. She fulfills court orders for kids placed in congregate facilities. Witnessed certain things that caused concern with staffing a lot of noise, not the clients, staff changes, phone calls are made, tires screeching, radios blasting, it is disturbing. Increasing clients, staff, emergency vehicles. A year ago a man on a bicycle was driving down the street she finds it hard to believe that there aren't more complaints on file. She feels there should be fencing, not against this facility but feels for the safety of all a fence should be placed on the grounds. Flood lights can be seen from her bedroom. No buffer. Increased capacity with special events, parking on grass. Increase in traffic concerns her for wildlife purposes. Dump trucks, other construction vehicles around. Line of sight supervision 100's of feet how effective can sight supervision be. Mr. Kron asked how long she lived there, she said since July of last year she moved there because it was so beautiful. Mr. Kron asked if the man on the bicycle was a resident, she assumed so since staff was chasing him. Mr. Kron asked if she ever made complaints regarding any issues and she said no. No other questions.

Mr. Glatt swore in Tim Moran, 220 Longhouse Drive. He was talking about the buffer. His in-laws live on south side very close to the facility near gazebo area. Activity and noise back there. In 2001 when he met Ted Joseph he thought there were only 15 people then in 2002, 24 now 34. There is hardly any work being done considering how many are living there and will live there. A lot of activity, patient outbursts, loud music, racing up and down, road construction going on. A road seems to be cut in gravel towards New York. With all of the property why can't they go back the other way from the R-4 Zone. Instead of impacting them personally. He feels they should go back instead of up against border property. Mr. Kron asked Mr. Moran if any complaints were made, he

said no. Mr. Kron told Mr. Moran that the gazebo will be taken down. Mr. Kron also told Mr. Moran that the road cut was for the septic. Mr. Glatt explained to Mr. Moran and anyone else at the meeting that the tax part of the testimony is of no concern to the Board. Only Zoning is considered nothing monetary. Mr. Moran said that for all of that property the tax isn't that high. Mr. Moran said all development to the south. He would call police for everything but doesn't feel that should be done. People yelling racing down the road. Increase of employees that would cause more noise. Addressing the location, Mr. Carreaga said due to Highlands and slope they need to stay in the already disturbed area. The entire site is shallow ledge rock. No other areas to build on, this is the only thing that will happen on this site. With 51 acres can it be built on? Mr. Moran wants a guarantee that there is no chance that any other area will be built on.

Mr. Kron said that this is first they heard of loud noises, music and racing cars.

Mr. Moran reiterated that he didn't know it was going to increase, didn't know it went from 15 to 24 now 34 people.

Motion by Ada Erik to close public portion

Second by William Lynch

All in Favor to close public portion

None opposed.

Mr Kron's summation, they demonstrated the land use law, coah satisfaction, small use variance small increase, recognized by state, request variance, site plan, will handle the staff issues with regard to loud music and other disturbances at shift changes.

Mr. Brady asked if anyone else on Board wanted to comment.

Ms Erik asked if a question could be asked. Mr. Brady said they would need to re-open to public only on that issue. Ms. Erik asked if in your business other facilities fenced? Mr. Joseph said all facilities are fence free. Mr. Brady asked about a schedule of activities where relatives visit, special occasions, provided for parking Mr. Joseph said the residents sometimes go home. Appropriate parking for these occasions, Ms. Moran said that there is no parking on street. Mr. Glatt asked Mr. Drew if there were any specifics for zoning for parking spaces, Mr. Drew said no.

Open meeting act

Parking and fencing only to be discussed

Motion by Ada Erik to close public portion

Second by William Lynch

All in Favor

None opposed

Mr. Brady asked for a motion or any further discussion

Motion by Francis Hannan for approval of use variance, applicant proved public good, negative criteria not substantial preserve rural character of community, Coah standards/obligations generally

Second Ada Erik

Roll Call Vote:

Yes: Ada Erik, Francis Hannan, William Lynch, Barry Wieser,
Frank Curcio and Robert Brady

No: none

Abstain: none

Motion by Frank Hannan to approve preliminary and final site plan the applicant has agreed to most of stipulations as outlined by engineer and planner, testimony parking spaces, waiver for curbing should be granted based on testimony and there is no zoning that

Second Ada Erik

Roll Call Vote: Ada Erik, Francis Hannan, William Lynch, Barry Wieser, Frank Curcio and Robert Brady

Mr. Glatt said that the Resolutions will have comments about the public concerns for noise be a good neighbor police their employees, have a speed bump. Mr. Kron agreed. Mr. Kron requested a building permit before resolution. Mr. Glatt said no after Resolution.

Mr. Brady told Ms. Gros that she would be first at October meeting. No further noticing for anyone. Ottens first, but should be quick. Ms. Gros carried to 10/23/07, Dr. Rubinstein carried and Mr. & Mrs. Sheridan carried, no further noticing required. Exxon at same spot on agenda, no Strengthen Our Sisters next month.

Approval of minutes

Motion by Ada Erik to approve the minutes of the September 25, 2007 Regular Meeting of the Zoning Board of Adjustment.

Second by Gian Severini

Discussion took place about training session, directions were discussed. 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 September 25, 2007.

Second by Gian Severini

On a voice vote all were in favor of adjourning the September 25, 2007 Regular Meeting of the Zoning Board of Adjustment.

Motion carried.

Meeting adjourned at 10:38 pm

Adopted: November 27, 2007

Respectfully submitted by

Denyse L. Todd, Secretary

Zoning Board of Adjustment