

MINUTES
Of the Township of West Milford
Passaic County, New Jersey
ZONING BOARD OF ADJUSTMENT
November 27, 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, PP, AICP, Planning Director, Richard McFadden, Township Engineer and Denyse Todd, Board Secretary
Absent: None

Following Roll Call, Chairman Robert Brady explained the procedures for the Zoning Board of Adjustment. Mr. Brady also went through the agenda, and also explained the public meeting act.

MEMORIALIZATIONS

**RICHARD AND KAREN SUMMERS
RESOLUTION NO. 23-2007**

Bulk Variance #0630-0755
Block 6902; Lot 29
1771 Union Valley Road; CC Zone

Action: Memorialization of Resolution No. 23-2007, request for a Bulk Variance for a Rear Yard setback, required is 50', existing 51' proposed 26.55'.

Motion by Ada Erik

Roll Call Vote:

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

Motion Carried

Somerville LLC

Resolution No. 24-2007

Use Variance #0740-0779
Preliminary & Final Site Plan #0720-0298AB
Block 2202; Lot 5.01
240 Longhouse Drive, R-4 Zone

Action: Memorialization of Resolution No. 24-2007, request for a use variance for a use not permitted, and preliminary and final site plan for a 28 X 40 foot addition.

Motion by Ada Erik

Roll Call Vote:

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

No: none

Motion Carried

Dale Flores-Not Available for this meeting

Resolution No. 25-2007

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.

NEIL OTTENS-Not Available for this meeting

Resolution No. 26-2007

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 unimproved lot (Block 1911; Lot 4) and crossing Township right of way with pipes.

LINDA GROS

RESOLUTION No. 27-2007

BULK VARIANCE #0730-0785

Block 1802; Lot 5

71 Fairview Drive, LR Zone

Action: Memorialization of Resolution No. 27-2007 request for bulk variance relief for a front yard setback to permit the construction of a roof over an existing 143 square foot porch.

Motion by Arthur McQuaid

Roll Call Vote:

Yes: Francis Hannan, Daniel Jurkovic, William Lynch, Arthur McQuaid, Gian Severini, Robert Brady

No: none

Motion Carried

Dr. Greg Rubinstein-Not Available for this meeting

Resolution No. 28-2007

BULK VARIANCE #0730-0783

Block 4201; Lot 12

49 Lake Park Terrace, LR Zone

Variance relief requested for 18-3.7D Side yard setback where 30' is required, 20.8' exists and 15' is proposed. For maximum building coverage where 10% is permitted, 12.94% exists and 15.22% is proposed.

EXXON ON THE RUN

Use Variance #0640-0764

Preliminary & Final Site Plan #0620-0274

Bulk Variance #0630-0275

Block 15505; Lot 1

2899 State Highway 23

A representative from Price Meese, Marlene Eickmeyer requested an adjournment, Mr. Glatt said that he was contacted by the law firm directly. Issues regarding access to and from station being reviewed by DOT. They won't be prepared until January. Mr. Glatt asked for Ms. Eickmeyer to sign a time extension for 90 days. They would like to carry

until January, no need to re-notice unless plans are changed. If plans to change new advertising will need to be done not later than 10 days before meeting. Mr. Glatt asked if any plans are to change to get them to the Planning Department sooner, so they may be reviewed. If not able to return in January, they should withdraw the application without prejudice. He also explained that some members of the Board may not be reappointed and that any new members will need to hear tapes. Mr. Glatt said they could contact him directly for any questions.

Mr. Glatt asked for the specific information on the adjournment request. Ms. Eickmeyer said at the last meeting it was brought up about the access to the station from the highway and they are looking into other options and following up with the DOT. They are not prepared to proceed this evening.

Comment by a Board Member that it was great that a corporation would care so much for the community to hold off for the welfare of our town.

Motion by Arthur McQuaid to postpone until January meeting.
Second Ada Erik

A time extension was signed.

All in favor to carry application

BERNARD CONNORS
RESOLUTION No. 29-2007
BULK VARIANCE #0730-0768
Block 14202; Lot 5
293 Germantown Road; R-3 Zone

Mr. Glatt swore in Bernard Connors and Brian Murphy, Mr. Connor's Architect. Mr. Brady asked for Mr. Murphy's credentials. He is a NJ licensed architect for 3 years, he received his BA from New Jersey Institute of Technology. He has been an architect for 22 years. He has appeared in other towns as an expert. The Board accepted his credentials.

Mr. Murphy showed the floor plans, site plan (exhibit A-1). It is a very small house and they want to enlarge it. Very small bedrooms and living room and kitchen, no garage, bedrooms will be upstairs, walk-in closet, exercise room. Mr. Connors is a contractor by trade; he is looking to have it resemble a Dutch Colonial with a porch. Mr. Murphy showed pictures of surrounding homes, (exhibit A-2 the flip side is A-3). Mr. Connors home is set further back than any of the surrounding properties. Even with the garage extension it will be set back further. There is plenty of space for this zone. The Chairman asked if the Board had any questions. A Board Member asked about the side yard setback. Existing setback establishes setback standard so a variance isn't required. Initial application didn't have the other variance needed for the side yard, Mr. Drew confirmed that it was noted in the advertising. The Chairman asked if anyone had questions of the expert or if the applicant had any question. Mr. Glatt asked Mr. Connors if he agreed with what his expert said and he said yes, the attorney also asked if he thought it would improve the neighborhood and he said yes. The Chairman asked if anyone had any questions and asked the applicant to be seated.

Mr. Brady opened the meeting to the public. There was no one present for or against the application.

Motion by Ada Erik to close public portion

Gian Severini second

All in agreement to close public portion

A Board Member spoke about the Township Engineer's memo regarding the re-grading and the downspouts for storm water runoff will not be directed on adjacent properties, also the spot elevation grading or driveway detail was not provided so it could not be evaluated could this be discussed. Mr. Glatt said we could ask the applicant. The applicant had no problem with those items. A Board Member asked about the driveway and if it would be extended for the garage. The first 50 feet should be paved, the gravel will be extended and they will comply with the grading and will show on the revised map. Mr. Brady asked if anyone else had any questions.

Motion by Frank Hannan to approve the variance with the conditions of the Engineer
Second William Lynch

The Chairman asked if any other questions.

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

Mr. Brady said they have the variances and they couldn't pull a building permit until the resolution is memorialized.

DONALD & DAWN SHERIDAN
RESOLUTION No. 30-2007
Bulk Variance #0630-0761
Block 7207; Lot 19, LR Zone
44 Shadowy Lane

Mr. Glatt swore in Donald Sheridan and his expert Douglas McKittrick Licensed Engineer since 1982, Licensed Planner since 1983, he has been an expert at this Board numerous times since 1986, appeared at most Boards in Passaic County, expert Passaic and Bergen County Superior Courts, Meadowlands Development Commission, Port Authority of New York and New Jersey. The Board accepted Mr. McKittrick's credentials as an expert witness.

Mr. Brady asked Mr. Sheridan if he wanted Mr. McKittrick to speak on his behalf, Mr. Sheridan said that the Engineer would speak but he wanted to say that he has been a resident for 11 years and his house started as a cozy house but as the family has grown they don't have much room. The request for the variance is to improve the flow of his home, doesn't want to move, likes his neighborhood. 100 X 100, now 100 X 125, while the application was being processed they acquired additional land to enhance size of the lot by 25%. Addition of 29 X 34 feet, northeasterly side of dwelling. Removing the existing porch and replacing it to have additional setback. Paved area will be removed. Addition will increase lot coverage by 4%. Property has no room for accessory structure, which is one of the reasons that they should be allowed to have the additional lot coverage for the dwelling. 14.8% instead of 13%. Providing seepage pits for additional runoff. The rear yard setback is requested since the house is not set in center of property. Single family dwellings, similar setbacks. The runoff will ultimately land in Belcher's Creek. Mr. Brady asked if there were any questions. Mr. McKittrick mentioned the Township Engineer's memo and was going over those items. The issue of the drywells, no problem, grade for runoff, no problem, the driveway grading will be addressed, and if not able to there will be off street parking. The applicant doesn't want the off street parking in front of the house because it is so tight. If they are unable to re-grade then the off street parking would be closer to the North.

Mr. Brady asked if there were questions. Applicant was asked to be seated.

Opened to the public.

Motion by Ada Eric to close public portion

Second William Lynch

All in favor to close public portion

Mr. Brady asked for questions or a motion

Motion by Gian Severini to approve the requested variances
Second by William Lynch with the conditions of the Township Engineer's memo

The motion was amended to add that the applicant purchased additional land for the purpose of enlarging home, there are constraints because of the slope, there is no accessory structure on the property and it is not much more lot coverage. Also no other accessory structures unless a variance is approved for the purpose since this was used as a reason to allow the variances. They can put a shed on the property of 10 X 10 with a Zoning permit.

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

Approved with amendment

Mr. Brady said they have the variances and they couldn't pull a building permit until the resolution is memorialized.

MITCHELL DE NOVA
Resolution No. 31-2007
Bulk Variance #0730-0784
Block 2101; Lot 2
26 Longhouse Drive, LR Zone

Mr. Glatt swore in Mr. & Mrs. DeNova of 26 Longhouse Drive. They want to put an addition on the back of the house. Their builder Steve Sofis 4 Donelin Terrace, Vernon. The DeNova's have been residents for 28 years. They are enlarging the bedroom, old galley kitchen will be part of the bedroom. Mr. Glatt explained what they needed to prove to the Board.

Mrs DeNova said that they have a lot of frontage but not rear. No further plumbing since it is all in the back of the house. The plans are how house is now. The bedroom and bathroom in the back. Front and sides of home are rock. The rear is just easier, galley kitchen very small. The laundry room and bathroom will be redone. A Board Member asked if how the house is situated is a reason why they are extending it this way. Mr. Glatt asked if Mr. Sofis could give dimensions, no video yet haha. Mr. Sofis was asked to explain. The original application says 10 rooms with 2 bedrooms. There was an error on the application. 6 rooms with 2 bedrooms is the correct amount of rooms. Remaining a 2 bedroom house. Mr. Brady asked Mr. Sofis to elaborate, they are building a 16 X 24 feet addition with a walkout bay window. The Township Engineer's memo was brought to the applicant's attention and did they see it, they said yes and they will comply with the requests. Mr. DeNova said it would be a great addition to their marriage. Taxes were paid. Mr. Brady asked for the applicants to be seated.

Mr. Brady opened the meeting to the public.

Motion by William Lynch to close public portion
Second by Gian Severini

All in favor to close public portion

Mr. Brady asked if there were any further question or motion

Motion by Francis Hannan to approve the application, since the applicant showed that this would be the only place addition could go because of how the house is situated and with the rock, it will be a nice addition.

Second by William Lynch

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

Mr. Brady said they have the variances and they couldn't pull a building permit until the resolution is memorialized.

GLENN & PAOLA KREGER

Bulk Variance #0730-0767

Block 2017; Lot 7

25 Longhouse Drive: LR Zone

Mr. & Mrs. Kreger were sworn in. Mr. Kreger said they have antique cars, 1971 Ford Pinto and a 1982 F100. They want to build a garage and workshop. Mrs. Kreger said there is a small garage. A Board Member asked if they considered purchasing property for this purpose and Mr. Kreger said that they purchased this 10 years ago for the purpose of putting up a garage. A Board Member asked the Planning Director if a variance would be needed for Chester Road. It is a corner lot so it has 2 front yards, the Planning Director said that the front yard setback on the side yard would need to be addressed. The Chairman mentioned the Township Engineer's memo. Mrs. Kreger wants a gravel driveway on the side not a paved driveway, she feels that it would diminish the look of her property. The 50 foot paving can't be done it is not that long. Chester Road is unimproved, that would be the only part paved in the area. Only ingress and egress not the actual driveway. Paving is only if main driveway not necessary, included in the motion. Mrs. Kreger spoke of the rock wall. It is holding up her property from eroding away. Would rather wait to move the rock wall in case Chester Road is developed, small rock wall will need to build a bigger rock wall for her property, it is in the right of way, smaller wall when they moved in and she built it up for gardening. Mr. Glatt doesn't think the Board can make them move rock wall because of this application. If at such time Chester Road becomes developed then they will need to remove it. The Right of way is not part of the application. Embankment and any mulching or anything washes away into the storm drain. They are on the steep section of Long House Road. Mr. Glatt asked if in the event Chester Road and right of way were developed would they voluntarily remove it and have the resolution recorded with their deed. They said no problem. The Planning Director asked the applicant if there was any reason the structure couldn't be moved back and Mr. Kreger said further back there is a slope/ledge and that area would be the perfect spot for the topography. Mr. Drew asked if any other properties have driveway access to Chester Road. Mr. & Mrs. Kreger said the house near them have a driveway even with the rock wall other dwelling is close as well not encroaching with neighbor's front yard. Other variances were included in the legal notice. ***Mr. & Mrs. Kreger amended their application for a frontyard setback for Chester Road (corner lot) side yard setback as well. Lot coverage issues have not been addressed, specifically could it be reduced by 1.4% and Mr. & Mrs. Kreger said that they wouldn't be able to move around the car and he needs a work area. Mr. Brady pointed out that the additional property was purchased. The existing shed on the property will be removed. The lot area of the property is approximately 22,372 square feet, 2.2% total coverage for the structure, both house and structure combined under the 10%. Open to the public.

Motion by Ada Erik to close public portion

Second by William Lynch

All in favor to close public portion

Motion by Ada Erik to approve the application for lot coverage and amendment for the front yard setback paved driveway is not needed, the size is consistent with the needs, topography, agreement to remove rock wall should the improvement of Chester Road happen, only space available on the property, approval with Mr. McFadden's memo.

Second by Arthur McQuaid

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

Mr. Brady said they have the variances and they couldn't pull a building permit until the resolution is memorialized.

Thomas & Assunta Trapasso
Bulk Variance #0630-0745
Block 6201; Lot 18, LR Zone
31 McKinley Place

Mr. Glatt swore in Mr. & Mrs. Trapasso, 31 McKinley Place, their son did the plans, moved the garage because of the placement of the well. Their garage is forward on their property because of a well under the driveway. Mr. Trapasso spoke about the boundary lines of his property and his neighbors, there is enough room for emergency vehicles to get to back of the house. The driveway will be paved and the garage will have a cement floor. Mr. Trapasso provided pictures showing neighborhood homes with garages. He can't go back because of a deck and also they want it attached for the convenience. The garage will be 19 X 22. The pictures will be exhibits A-1 through A-7. Most are 1 car garages, some seem to be 1 ½. A Board Member asked about the property and where the septic, and they don't have it they have MUA. The dwelling next door is close. A Board Member asked if the shed could be moved back and he said yes. One of the variances can be eliminated if the shed was moved back about 8 feet. The same Board Member asked about the width of the garage and was told that there would be steps to go into the house and that was the reason for the width. Mr. Brady asked the Trapasso's if there was any other property they could purchase and they said no. The shed being moved was another question and would they consider it, they said yes. Mr. Brady asked if that was a condition of approval would that be alright, and that was fine. Mr. Brady asked if there were any questions. A Board Member said that the Board's goal is to eliminate as many variances as possible. Mr. Trapasso asked if there was a time limit for moving the shed, and Mr. Brady said any time work was done a Certificate of Occupancy was needed and all work would need to be completed. Mr. Brady opened the meeting to the public.

Motion by Ada Erik to close public portion
Second by Gian Severini

All in favor of closing public portion

Mr. Brady asked for a motion

Motion by William Lynch to approve application for minimum distance, side yard, front yard and maximum building coverage, shed to be moved before construction of garage.

Second by Gian Severini

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

Mr. Brady said they have the variances and they couldn't pull a building permit until the resolution is memorialized.

Mr. Trapasso asked if there were any requirements for where the shed needs to be placed and Mr. Glatt said Mr. McFadden or Mr. Drew would discuss it. Mr. Drew said 10 feet to the side line.

Motion carried.

Motion by Ada Erik to adopt minutes of 9/25/07
Second by William Lynch

Motion by Daniel Jurkovic to adopt minutes of 10/23/07
Second by Gian Severini
All in Favor

New Jersey Planner-good articles all should read.

Mr. Glatt spoke of the withdrawal of the SOS application, letter which all Board Members received in their packet, inviting all to the meeting. Mr. Glatt feels it is inappropriate for anyone to be invited. Use variance was put off because of an Interpretation and it was never filed. No one can attend this meeting. Mr. Glatt said he informed Ms. Dubinsky that no one had to attend tonight's meeting. Mr. Glatt wants the application on the December agenda for formal withdrawal to be put on record and that no application for an Interpretation was filed. This comes down to an enforcement issue. ZBOA has nothing pending. Mr. Drew said nothing was before Township Council at this point. Not for ZBOA to decide.

Motion by Ada Erik to adjourn regular meeting
Second by Daniel Jurkovic
All in favor to adjourn
Meeting adjourned at 9:34 pm

Respectfully submitted by,

Denyse Todd, Secretary
Zoning Board of Adjustment