

MINUTES  
Of the Township of West Milford  
Passaic County, New Jersey  
ZONING BOARD OF ADJUSTMENT  
December 18, 2007  
Regular Meeting

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:44p.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, Arthur McQuaid, Gian Severini, and Robert Brady

Also Present: Barry Wieser, Frank Curcio, Stephen Glatt, Board Attorney, William Drew, PP, AICP, Planning Director, and Denyse Todd, Board Secretary

Absent: Richard McFadden, Township Engineer

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**

**Dale Flores**

**Resolution No. 25-2007**

Bulk Variance #0730-0786

Block 2014; Lot 20

452 Lake Shore Drive, LR Zone

*Action:* Memorialization of Resolution No. 25-2007-request for a shed in the front yard, when only permitted in side or rear yard only.

Motion by Ada Erik

**Roll Call Vote:**

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

No: None

**Motion Carried**

**Neil Ottens**

**Resolution No. 26-2007**

Use Variance #0640-0759

Block 1907; Lot 1

7 Parlin Court; LR Zone

*Action:* Memorialization of Resolution No. 26-2007 requesting 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.

**Roll Call Vote:**

Yes: Francis Hannan, Daniel Jurkovic, William Lynch, Barry Wieser, Robert Brady  
No: none

**Motion Carried**

**Dr.Greg Rubinstein**

**Resolution No. 28-2007**

BulkVariance#0730-0783

Block 4201; Lot 12

49 Lake Park Terrace, LR Zone

*Action:* Memorialization of Resolution No. 28-2007 for variance relief requesting an 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.

**Roll Call Vote**

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

No: none

**Motion Carried**

**Bernard Connors**

**Resolution No. 29-2007**

Bulk Variance #0730-0768

Block 14202; Lot 5

293 Germantown Road; R-3 Zone

*Action:* Memorialization of Resolution No. 29-2007 bulk variance relief requested for a front yard setback where minimum 100 feet is required, 95 feet exists and 77 feet is proposed and side yard setback where minimum 60 feet is required, 62 feet exists and 56 feet is proposed.

**Roll Call Vote:**

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

No: none

**Motion Carried**

**Donald & Dawn Sheridan**

**Resolution No. 30-2007**

Bulk Variance #0630-0761

Block 7207; Lot 19, LR Zone

44 Shadowy Lane

*Action:* Memorialization of Resolution No. 30-2007 request for a Rear yard setback where minimum 60 feet is required, 48.3 feet exists and 47 feet is proposed, and Lot coverage where 10% is the maximum, 10.75% exists and 14.4% is proposed.

**Roll Call Vote:**

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

No: none

**Motion Carried**

**Mitchell DeNova**

**Resolution No. 31-2007**

Bulk Variance #0730-0784

Block 2101; Lot 2

26 Longhouse Drive, LR Zone

*Action:* Memorialization of Resolution No. 31-2007 requesting a Rear Yard setback, minimum 60 feet required and 51 feet proposed.

**Roll Call Vote:**

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

No: none

**Motion Carried**

**Glenn & Paola Kreger**

**Resolution No. 32-2007**

Bulk Variance #0730-0767

Block 2017; Lot 7

25 Longhouse Drive, LR Zone

*Action:* Memorialization of Resolution No. 32-2007 requesting variances for accessory building coverage, maximum permitted is 3%, and requesting 4.4%, and for accessory structure within the front yard on a corner lot.

**Roll Call Vote:**

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

No: none

**Motion Carried**

**Thomas & Assunta Trapasso**

**Resolution No. 33-2007**

Bulk Variance #0630-0745

Block 6201; Lot 18, LR Zone

31 McKinley Place

*Action:* Memorialization of Resolution No. 33-2007 requesting minimum distance between buildings where 20 feet is required and 12.5 feet is proposed; side yard where minimum 30 feet is required and 10.4 feet is proposed; front yard where minimum 50 feet is required and 16.9 feet is proposed and maximum building coverage where 10% is permitted and 14.5 % is proposed for construction of a 19 X 22 foot garage.

**Roll Call Vote:**

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

No: none

**Motion Carried**

**APPLICATION BEING WITHDRAWN**

**Strengthen Our Sisters, Inc.**

**Use Variance #0740-0772**

Block 14701; Lot 53

76 Old Route 23; NC Zone

This application is being withdrawn at the request of Sara Dubinsky, Esq. of the firm of McCarter & English per letter of November 19, 2007 to the Board Attorney.

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

Mr. Glatt apologized to Ms. Dubinsky because of the short notice to attend the meeting. He explained that the reason it wasn't done at the previous meeting was because the matter was not on the agenda for the November meeting.

Mr. Glatt confirmed that if this application is withdrawn there is nothing pending before this Board. Mr. Glatt confirmed that to his knowledge that there was no Certificate of Occupancy for the property, and also no zoning permit. Ms. Dubinsky said that they were planning to take care of the outstanding zoning violations first. Mr. Glatt explained that health and safety issues concern the Board and it is his feeling that the building should be shut down until the C.O. is issued as well as the zoning permit. Ms. Dubinsky said that they were negotiating with Township on the violations until they are able to reach their ultimate issue. She confirmed that the building is occupied at this time. Mr. Glatt explained his letter and that the Board was not going to be at their meeting with the Township. The Board of Adjustment only has control of this issue and if it is withdrawn. He feels that the Board is remiss of the fact that for 4 or 5 years SOS has been coming and going. He feels that the Township Attorney should have taken them to court. He wants to ensure that no one will come to this Board because of health and safety issues that were not before this Board. He feels that the Township should shut down the building because of the building code not being followed because of lack of the C.O. and zoning permit. They should have taken SOS to court or shut the building down. If their zoning permit is not approved then they could file an Appeal and it would come to this Board because we hear the appeals for the Zoning issues. Then they could file an interpretation and it could go to the Supreme Court. He doesn't care for this on again and off again before this board. The Board of Adjustment doesn't want to be blamed for any issues. He asked again just to be clear if they are withdrawing the application. Ms. Dubinsky said yes.

A Board Member was going to ask a question and Mr. Glatt said that there was nothing to be discussed if withdrawn. There was no motion.

Withdrawn without prejudice they will start from the beginning if they come before this Board again and they will start over.

Approval of November 27, 2008 meeting minutes

All in favor to approve minutes.

The 2008 meeting and site inspection dates.

Motion by Frank Hannan to approve dates  
Second by Ada Erik

**Roll Call Vote:**

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

No: none

**Motion Carried**

Mr. Brady read the letter from Mr. Glatt requesting that he would like reappointment as the Board Attorney.

This was premature and should be done at the reorganization meeting.

Mr. Glatt feels since he is semi-retired that there should be a substitute attorney in case of litigation, conflict... He suggested that Mr. Kienz's firm be substitute attorney for the Zoning Board of Adjustment. Mr. Glatt is substitute attorney for the Planning Board if a member of Mr. Kienz firm can't appear.

Board members concurred that they have had a good working relationship with each other and acknowledged the cooperative effort and expressed their appreciation. Everyone is hoping to return in January

Motion by Ada Erik to adjourn regular meeting  
All in agreement to adjourn.

Second by William Lynch  
All in favor to adjourn  
Meeting adjourned at 8:09 pm

Respectfully submitted by,

Denyse Todd, Secretary  
Zoning Board of Adjustment