

MINUTES
Of the Township of West Milford
Zoning Board of Adjustment

June 20, 2006
Regular Meeting

7:59 p.m.

Linda Lutz, Principal Planner/Board Secretary, opened the meeting with the reading of the legal notice.

1. Pledge

Mr. Brady asked all attendees to join him in the recitation of the Pledge of Allegiance.

2. Roll Call

Present: Ada Erik, Joseph Giannini, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Ed Spirko, William Lynch, Francis Hannan and Robert Brady.
Stephen Glatt, Board Attorney; Linda Lutz, Board Planner and Secretary.

Absent: None

Mr. Brady, Board Chairman, indicated that there is a 7-member Board for this evening. He then gave an overview of Board procedures.

3. Case

Case called at 8:01 p.m.

Scott Leonescu

(Case originally filed by Edward Van Eeuwen)

Use Variance 9740-0278

Block 703; Lot 1

Warwick Turnpike; NC Zone

The applicant was represented by John Barbarula, Esq.

Sworn witness: Scott Leonescu, Principal of Your Home Team, applicant, 37 Christine Ct., West Milford, NJ

Mr. Barbarula gave an overview of the fact that this matter is part of litigation between Your Home Team vs. the Township of West Milford.

The particular contention under the Board's jurisdiction pertains to Resolution 17-1998, decided by the Board on March 24, 1998 and memorialized on April 28, 1998. The Board granted a use variance for residential purposes – for up to four residential lots. He indicated that it became the Town's position that, if the applicant were going to use the particular lot as one unit, then further relief would have to be sought, i.e., a change in the resolution language. This is because the Board imposed on the use variance a condition requiring subdivision. He stated he is here to confirm that the Board approves the building of one residential unit instead of four.

Mr. Brady asked why Mr. Barbarula's client felt it necessary to have a special meeting. Mr. Barbarula explained the Court proceedings.

Mr. Glatt stated that this change to the resolution would preclude further subdivision by anyone owning the lot. That is, the subdivision will be vacated with prejudice, that at some point in the future, wherever this house is built on the lot, somebody is not going to come back to the Zoning Board and ask for a subdivision. From the audience, Mr. Leonescu blurted that that is fine.

Mr. McQuaid asked the size of the lot. In response, Mr. Leonescu was called and sworn and indicated that the lot is 5.6 acres in size. In response to questioning from the Board, Mr. Leonescu indicated that the house is proposed to be located in the middle front (50 setback from the road). He further indicated that only the first \approx 120 feet of the property are usable (because of State wetlands laws). Approximately 4.5 acres can never be touched.

The matter was opened to the public. No one wished to be heard.

Motion by Ms. Erik to close the public portion.

Second by Mr. McQuaid.

On voice vote, all were in favor.

Motion carried.

Motion by Mr. Jurkovic to modify the condition for the use variance granted under use variance application #9740-0278 to delete the condition #1 on page 2 of Resolution 17-1998 requiring subdivision such that one residence will be built on this property; the request for subdivision is hereby withdrawn and a single-family home may be built on this lot.

Second by Mr. McQuaid.

Roll call vote:

Yes: Ada Erik, Daniel Jurkovic, Arthur McQuaid, Gian Severini, Ed Spirko, William Lynch, Robert Brady.

No: None.

Motion carried.

Case ended at 8:16 p.m.

4. Adjournment

8:16 p.m.

Motion by Ms. Erik to adjourn.

Second by Mr. Jurkovic.

On voice vote, all were in favor.

Motion carried.

Respectfully submitted,

Linda M. Lutz, P.P.
Zoning Board of Adjustment Secretary