

**MINUTES**  
**Of the Township of West Milford**  
**Zoning Board of Adjustment**

**June 27, 2006**  
**Regular Meeting**

7:39 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.

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**2. Roll Call**

Present: Ada Erik, Arthur McQuaid, Gian Severini, Ed Spirko, William Lynch, Francis Hannan and Robert Brady.  
Linda Lutz, Board Planner and Secretary.

Absent: Stephen Glatt, Board Attorney; Richard McFadden, Township Engineer.

Late: Daniel Jurkovic (arrived during the break)

Mr. Brady, Board Chairman, explained that no attorney was available for this evening. He stated that there is a problem with the interpretation of the play-to-play law and that this has created a situation, due to what is going on politically in the community, where no one wants to take the initiative to cover a meeting based on certain incidents that have happened. He stated that the result of that is that there is no attorney for this evening. Without legal representation, the meeting cannot occur. He apologized, stating it has nothing to do with the members of the Zoning Board or the Planning Department. He stated that it is a matter of everyone trying to "cross t's and dot the i's" and it's gotten to a point where there are too many i's to dot and t's to cross. He stated that it has taken the job out of the Board's hand; as a result, there will not be a meeting this evening for applications.

All applications are carried to July 25, 2006 and remain in the same order. No further notice or advertising is necessary.

He again apologized to the applicants, stating he would have notified them sooner, had he known sooner. He stated he tried very hard to get this done in the eleventh hour, but because of the paper minutia, and the other problems, he was unable to accomplish that.

A member of the audience asked if all applications would be heard next month. Mr. Brady stated that is not something he could promise even if the attorney were here. The man then asked if the Board would stay late if necessary. The Board explained that they cannot go later than the by-laws permit, owing to the precedent-setting case that determined that issue.

At this point, Mr. Brady dismissed everyone and some people approached the dais with various administrative questions.

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**3. Memorializations**

Mr. Brady, Board Chairman, asked Mr. Lynch to sit for Mr. Jurkovic's vacant seat.

Mr. Brady indicated that resolutions were sent to the Planning office today from the Board Attorney. They were sent too late for Mrs. Lutz to edit and copy them, however.

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**Motion** by Mr. Hannan to break to enable the Board members to read the draft resolutions.

**Second** by Mr. Spirko  
On voice vote, all were in favor.  
Motion carried.  
7:57 p.m. to 8:12 p.m. Break.

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**Resolution 11-2006**

**Omnipoint Communications, Inc.**

Use Variance #0540-0726, which was approved.  
Preliminary and Final Site Plan #0520-0224, which was approved.  
Bulk Variance #0530-0727, which was approved.

Block 14102; Lot 1  
Center Island, Route 23, R-4 Zone

**Motion** by Ms. Erik to memorialize the resolution.

**Second** by Mr. Spirko.

Roll call vote:

Yes: Ada Erik, Daniel Jurkovic, Ed Spirko, Francis Hannan and Robert Brady.  
No: none.

Motion carried.

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Mrs. Lutz announced that the following four (4) resolutions (nos. 13, 14, 17 and 18) were not received from the attorney's office and, therefore, will be carried:

**Resolution 13-2006**

**Vincent Lanza**

Bulk Variance #0430-0673

Block 2708; Lots 1, 5 & 6

27 Flanders Road; LR Zone

*Action:* Bulk variance relief granted for side yard setback, front yard setback and relief from the MLUL C.40:55D-35 to enable the construction of new home.

*Decided:* April 25, 2006

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**Resolution 14-2006**

**Vincent Lanza**

*De minimis* exception

Block 2708; Lots 1, 5 & 6

27 Flanders Road; LR Zone

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

*Decided:* April 25, 2006

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**Resolution 17-2006**

**Omnipoint Communications, Inc.**

Use Variance #0540-0706

Block 12501; Lot 26

666 Macopin Road; R-3 Zone

*Action:* Use variance relief from the MLUL C.40:55D-70d to enable the collocation of an unmanned, wireless telecommunications facility.

*Decided:* May 23, 2006

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**Resolution 18-2006**

**Omnipoint Communications, Inc.**

Preliminary and Final Site Plan #0520-0214

Block 12501; Lot 26

666 Macopin Road; R-3 Zone

*Action:* Preliminary and final site plan relief to enable the collocation of a wireless telecommunications facility.  
*Decided:* May 23, 2006

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**Resolution 15-2006**

**Joseph Hajbura**

Bulk Variance #0530-0728, which was granted.

Block 1207; Lot 14

Carmel Road; R-2 Zone

**Motion** by Mr. McQuaid to memorialize the resolution.

**Second** by Ms. Erik

Roll Call Vote:

Yes: Ada Erik, Arthur McQuaid, Francis Hannan and Robert Brady.

No: None

Motion carried.

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**Resolution 16-2006**

**Joseph Hajbura**

*De minimis* exception, which was approved.

Block 1207; Lot 14

Carmel Road; R-2 Zone

**Motion** by Ms. Erik to memorialize the resolution.

**Second** by Mr. McQuaid.

Roll Call Vote:

Yes: Ada Erik, Arthur McQuaid, Francis Hannan and Robert Brady.

No: None

Motion carried.

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**4. Minutes**

**Motion** by Ms. Erik to approve the minutes of the May 23, 2006 meeting, as presented in the draft by the Board Secretary.

**Second** by Mr. Jurkovic.

On voice vote, all eligible members were in favor.

Motion carried.

Mr. McQuaid wished to apologize to the professional staff who was here tonight. He stated he appreciates the work she has done and that she had no fault in what is going on and we appreciate the work you do manage to achieve for us.

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**5. 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,

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