

**MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
November 23, 2010
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:48p.m. The Board Secretary read the Legal Notice.

Pledge

The Chairman asked all in attendance to join in the Pledge of Allegiance.

The Board Chairman explained to all in attendance that 2 people needed to be sworn in as new members of the Zoning Board of Adjustment. Mr. Olivo is to be replacing Mr. Wieser's position and Russell Curving will be the new alternate that was vacated resulting from Mr. Olivo moving into Mr. Wieser's place on the Board. The Board Attorney, Stephen Glatt, swore in the new members. The Official Oaths were not received from the Clerk's Office and will be signed at the next regular meeting.

Roll Call

Present: Francis Hannan, James Olivo, Frank Curcio, Arthur McQuaid, Gian Severini, Russell Curving, Vivienne Erk Robert Brady

Also Present: Stephen Glatt, Board Attorney, Robert C. Kirkpatrick, Interim Board Engineer and Substitute Planner, Denyse Todd, Board Secretary

Absent: Ada Erik, William H. Drew, Board Planner

3023 ROUTE 23 CORP. (Amended)

GILL PETROLEUM

RESOLUTION NO. 12-2010

USE VARIANCE #9740-0288

Preliminary & Final Site Plan #9720-0058AB

Bulk Variance #9730-0289

Block 16001; Lot 9

3021 Route 23 North; HC Zone

Motion by Francis Hannan to memorialize Resolution No. 12-2010

Second by Frank Curcio

Roll Call Vote:

Yes: Francis Hannan, James Olivo, Frank Curcio, Gian Severini, Robert Brady

No: none

Chairman Brady explained that he had not made his introduction and explained there was a missing regular meeting. The first alternate was asked to come up to the dais, the first alternate would be Mr. Curving but Mr. Curving decided to recuse himself since it was his first meeting and Vivienne Erk was asked to take the place on the dais in Ada Erik's place who is not in attendance. Mr. Glatt explained that he preferred that Mr. Curving recused himself because he did not want anyone to have a reason to appeal something. If there was an error it could be appealed.

Chairman Brady announced that Mr. Curving recused himself and Ms. Erk was sitting at the dais. Mr. Glatt explained since Mr. Curving recused himself that he needed to sit in the audience.

Mr. Brady explained the meeting dates and posting of dates and the agenda. The Open Meetings Act was also explained. The attorney was introduced. If a break is needed it is done at approximately 9:00 p.m. no new applications after 10:30 p.m. and no new testimony after 11:00 p.m. The applicant is given the opportunity to make their presentation and then members of the public are able to comment on the presentation, which is the public portion of the meeting, it is done on a case-by-case basis. Any appeals go to the Superior Court of the State of New Jersey.

PATRICIA A. DECKER
BULK VAR ZB01-10-02
Block 7521; Lot 9
16 Meadow Road; LR Zone

The Board Attorney swore in Patricia A. Decker, 16 Meadow Road, West Milford and Russ Struck, 16 Meadow Road, West Milford. The applicants explained that they are married but the property is still only in Ms. Decker's name. Mr. Brady explained that a memo came from the Health Department concerning the application. Ms. Decker told the Board that to simplify their responses that Mr. Struck had the technical information as he was working with the engineer and if alright with the Board he respond to any questions.

The Attorney explained to the applicant that if the Board grants the application the Board has no control over the Health Department. So if any evidence was going to be presented regarding the Health Department's concerns, this Board does not take it into consideration if approval is granted it is subject to the Health Department's approval. This Board only deals with zoning criteria. Mr. Glatt gave examples of items on the plan listed as approximate locations. Even if this Board accepts all explanations, the Health Department will need to be satisfied. Mr. Struck has the right to testify but does he have the expertise. Mr. Struck explained that they located the septic tank and field within a foot or two. Mr. Brady explained that it is more credible when a professional presents the application. Mr. Struck responded that after they were finished if the Board wanted the professionals that he would request to carry the application and have the professionals present for the next meeting. The process of the Health Department with regard to submitting plans. Mr. Struck said they located the tank and field. The contractor who installed the septic confirmed the location.

Mr. McQuaid confirmed with the applicant that he served on a Zoning Board and he confirmed that he served on a Zoning Board in a different Township so he was familiar with the working of the Zoning and Planning Boards.

Mr. Struck explained he and Ms. Decker were married last year and are trying to combine two households and required additional closet and storage space as well as a garage. The laundry room is located in the basement and can only be accessed by going outside. They need office space along with a different access to the front of the house. They need additional food preparation space and dining space. They tried other expansions and they did not work for several reasons. The basement floor is over 5 feet higher than the crown in the road and is only set back 32 feet. It is currently sited as a two story house it is imposing looking now and to add a story it would look like a three story home and it would have a negative look for the neighborhood. If adding to the right they would hit the septic field. They decided to go to the left and can reduce impervious coverage by 51 square feet. So there would be a modest increase to the front yard set back because of how the house is situated. It is not parallel to the road. The property is shaped like a parallelogram and it tilts to the left in the back of the lot. So extending the house to the left it gets closer to the road. It will stay relatively in line with the set backs of the house to the left and it will remain further from the road than the house to the right. It is line with the streetscape and they do not feel it suffers an aesthetic set back. The building coverage allowed is 10% and they are requesting 13.9% based on 14,970 square feet. Mr. Hannan asked if the coverage included the garage and the applicant responded yes. The garage is underneath the house. Mr. Glatt asked if there was any available land not built up and the answer was no. Mr. Hannan asked about the discrepancy with the plan since that said 14%, Mr. Struck responded that Mr. Berry rounded the number but it was 13.9%.

Mr. Struck wanted to discuss the reports from the Township Departments. The first was the engineering memo, they would prefer to have concrete for the driveway rather than asphalt, it would hold the pavers in place but they would do what was wanted by Engineering.

The Health Department comments included a problem with the removable deck section for the well; the applicant talked with his professionals on the matter and was assured that it would not be a problem. The location of the well on the plan is precise it was placed on plan after Michael Berry surveyed the lot. The location of the septic tank is approximate within a foot or two using an iron rod to locate them and Tom Anderson who put the septic tank and field in place. Even worst-case scenario, they are maintaining the set back with regard to his well and neighboring wells and septic systems. Mr. Glatt asked if the location of their well or septic or surrounding neighbors' would be effected by the variances being asked for and Mr. Struck said no.

Mr. Brady asked about the Environmental Commission's memo with regard to the location of the well and was told it was under a removable deck piece. Mr. Struck also explained that if he did not allow for it to be removable chances are he would have to move it.

The Health Department's memo also contained information that suggested that the office on the plan could be a bedroom and they presently have two bedrooms and another room they are moving the location of the two bedrooms but are not adding to the family room. Mr. Glatt commented on the information just given that for the record they submitted with the application some photographs and a current layout and a proposed layout and mark all into evidence so it is on the record and that will substantiate what was being said. A-1, A-2, A-3 and A-4. The office is existing and staying in the same place. This is a two-bedroom home and will remain a two-bedroom home. A-1 is a picture of how the house looks currently from the street. A-2 is the current layout which shows the location of the office. A-3 is the proposed façade, which shows vegetation cut down so you can see the height and also the 11-foot kick-out. A-4 is the proposed layout which shows the office in the same location. The house is approximately 600 feet or so, they are the last street before Union Valley Road.

Mr. Struck commented that there are larger homes on small lots near him. The home they are proposing is far from the being the largest home in the neighboring vicinity. They believe that the proposed addition is consistent with the texture of the Pinecliff Lake Community and they believe when they add on to the house it will increase the value of the neighborhood.

Ms. Decker thanked the Board for the review, she has lived in town all of her life and been in this house for 30 years. They made their decision to stay in West Milford after retirement and what they are asking for will give them something for their older days, having a garage, all on one floor, laundry in house. An architect came to their home to discuss the possibilities and quite a bit of thought went in to this proposal. Mr. Struck added that the architect was someone he knew from his days on the zoning board and when this architect's plans came through it looked like a complete house not an add on. It had integrity and looked like a complete home.

The Chairman asked if there were any questions of the Board Members. He then opened the meeting to the public.

Vivienne Erk after seeing no one for or against the application moved to close the public portion.

Second by Gian Severini

All in favor to close the public portion.

Mr. McQuaid commented that the presentation was clear cut regarding what they would like to do. There are problems with the size of the lot which forces them to ask for a variance. They took the time to compare which side of the home to do it on to lessen the variances. The reason that they were not going to put on a second floor was because of the rise of the property that the house would become overpowering in the neighborhood as you approached it. He felt it was very thoughtful of them to think of the other people around them.

Motion by Arthur McQuaid to approve variance application # ZB01-10-02, Block 7521; Lot 9, 16 Meadow Road, LR Zone. The home will stay a two bedroom home, the office is already there and will not be changed no additional land available to purchase to add to the size of their lot. They want to increase it by 12 feet and that is only at the entrance of the house where most will be protruding out slightly. They will be lessening the impervious ground and realized pavers do not really count but realized water can go through pavers then complete black top. The zoning calls for 20,000 square feet and 10 % would be allowed of that amount. They are undersized but if they had 20,000 square feet then they would pretty much in that 10% range.

Mr. Glatt asked for confirmation for findings of fact. Mr. Struck spent 9 years on the Board of Adjustment in another town and 3 years on another board and it is apparent that the years of experience went into their planning and this application as far as their concern relating to the visual effects picking an architect who knows how to blend or meld the design with the existing house and was aware of the constraints but explained in a way that was understandable to the Board. Arthur McQuaid requested that the information from Mr. Glatt be added to the his motion.

Mr. Brady wanted to express his appreciation for the presentation because most of the time either the Board or the Attorney need to give free advice.

Second by Francis Hannan

ROLL CALL VOTE:

YES: Francis Hannan, James Olivo, Frank Curcio, Arthur McQuaid, Gian Severini, Vivienne Erk, Robert Brady

No: none

Mr. Glatt explained it would be memorialized at the December 14, 2010 meeting and then technically the wait would be 45 days from publication in the newspaper.

DISCUSSION

All candidates interviewed stated that there would be no charge for conversations with the Secretary or other Professionals unless it was a full meeting with other departments. Also, unless a site inspection was being performed there would be no charge for travel time to and from the regular meetings. All were established in their field

The first candidate for the interview was Robert C. Kirkpatrick of RCK Inc., he testified to his credentials, which were verified in his resume and is incorporated herein by reference.

The second candidate was Michael Cristaldi of Alaimo Group Consulting Engineers, he testified to his credentials, which were verified in his resume and is incorporated herein by reference.

The third candidate was Frank Matarazzo of Matarazzo Engineering he also testified to his credentials, which were verified in his resume and is incorporated herein by reference.

It was pointed out that there is a charge for clerical. It was agreed that any contract needs to be scrutinized. The small expenses add up. Some professionals charge as soon as the phone is picked up. There was discussion that the lowest bidder should not be picked for just that reason, also knowledge of the lake areas and the Highlands. It should be the most experienced.

Mr. Severini commented that one Mr. Matarazzo's associates was from town and he felt it was disconcerting and they don't know who he is associated with.

Motion by Arthur McQuaid to appoint Robert C. Kirkpatrick for Board Engineer for the 2011 year. His fees are good, he knows the Township.

Second by Francis Hannan all three are qualified but when happy with what he has he is reluctant to do something new. Nothing against the other candidates. Mr. Brady agreed.

Roll Call Vote:

Yes: Francis Hannan, Arthur McQuaid, Robert Brady

No: James Olivo, Frank Curcio, Gian Severini, Vivienne Erk

Mr. Brady asked for another motion

Motion by Gian Severini to appoint Alaimo Group Consulting Engineers

Second by James Olivo

Roll Call Vote::

Yes: James Olivo, Frank Curcio, Arthur McQuaid, Gian Severini, Vivienne Erk

No: Francis Hannan, Robert Brady

APPROVAL OF INVOICES FOR PROFESSIONALS

Motion by Frank Curcio to approve invoices for Stephen Glatt

Second by James Olivo

Roll Call Vote:

Yes: Francis Hannan, James Olivo, Frank Curcio, Arthur McQuaid, Gian Severini, Vivienne Erk, Robert Brady

No: none

Motion by Francis Hannan to approve invoices for William H. Drew

Second by Gian Severini

Roll Call Vote:

Yes: Francis Hannan, James Olivo, Frank Curcio, Arthur McQuaid, Gian Severini, Vivienne Erk, Robert Brady

No: none

Motion by Robert Brady to approve the minutes of September 28, 2010

Second by James Olivo

Roll Call Vote:

Yes: Francis Hannan, James Olivo, Frank Curcio, Arthur McQuaid, Gian Severini, Robert Brady

No: none

Motion by Gian Severini to adjourn the meeting of November 23, 2010

Second by James Olivo

All in favor to adjourn the meeting

Meeting adjourned at 9:27 p.m.

Adopted: December 14, 2010

Respectfully submitted by,

Denyse L. Todd, Secretary
Zoning Board of Adjustment