

**MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
November 26, 2013
Regular Meeting**

Robert Brady, Board Chairman, opened the Regular Meeting of the Zoning Board of Adjustment at 7:41 p.m. The Board Secretary read the Legal Notice. The Chairman asked for all in attendance to recite The Pledge of Allegiance.

Pledge

Since there are no use variances a majority is all that is necessary to vote on the resolutions and the applications on the agenda, there are five members present. Mr. Space was asked to take a seat on the dais the Chairman opened the meeting. The Chairman explained about the Board of Adjustment, the Open Public Meetings Act of the State of New Jersey, appeals go to the Superior Court of the State of New Jersey. He introduced the Board Attorney. The meeting follows a printed agenda, which is on file in the Clerk's office and posted on the bulletin board. If needed a break will be taken at approximately 9:00. There are no new applications after 10:30, no new testimony after 11:00. The applicant explains the application first then anyone speaking for or against the application is given the opportunity to do so on a case-by-case basis.

Roll Call

Present: James Olivo, Frank Curcio, Arthur McQuaid, Michael Siesta, Clint Space, Robert Brady

Also Present: Stephen Glatt, Board Attorney, Denyse Todd, Board Secretary

Absent: Russell Curving, Steven Castronova, Michael Gerst, William H. Drew, Board Planner, Michael Cristaldi, Board Engineer

MEMORIALIZATIONS

**KOSTA & URSZULA DIMITROVSKI
RESOLUTION NO. 14-2013
BULK VARIANCE NO. ZB07-13-05
Block 13811; Lot 1
8 Hunter Blvd. LR Zone**

Motion by Arthur McQuaid to memorialize Resolution No. 14-2013

Second by James Olivo

Roll Call Vote:

Yes: James Olivo, Frank Curcio, Arthur McQuaid, Robert Brady

No: none

**JAMES KACHLER
RESOLUTION NO. 15-2013
BULK VARIANCE ZB08-13-08
Block 14901; Lot 18
73 Timber Lane; R-4**

Complete: 9/5/13

Deadline: 1/3/14

Bulk Variance relief requested for side yard set back where 60 feet is required 44.4 feet is existing and 16.2 feet proposed, and rear yard set back where 125 required 98 feet is existing and 97.4 feet is proposed for the construction of an attached 2 car garage.

Mr. Glatt explained that the matter was carried from last month. The applicant completed his case it was opened to the public and it was closed. It was indicated that if there was a need for any additional testimony after the applicant contacted the Health Department and resolved the question, whether he would have to relocate his addition because of the close proximity to the well. Only in that case would additional testimony need to be taken and reopening it to the public would be necessary. The applicant has submitted documentation to the Board of Health dated November 11, 2013 from Slater Well Drilling wherein they indicated there was no need to change the location of

the addition because they would be able to do any repairs necessary if in the future, they need to drill a deeper well the applicant will need to re-drill his well completely and he is aware of that. A memo was received November 14, 2013 indicating the Health Department approves and accepts the letters dated November 10, 2013 from the applicant with regard to the variance concerning the potable well. Mr. Glatt indicated he did not feel there was a need for additional testimony and it appears the applicant has satisfied the Health Department. The Zoning Board approval is subject to the Health approval. He indicated it would be appropriate for the Board to vote on the application at this time and in anticipation of knowing and receiving the results of the correspondence from the applicant and the Health Department, Mr. Glatt prepared the resolution.

The Board can take a vote on whether the Board wants to grant the bulk variances. If granted then the memorialization of the resolution can take place thereafter. The applicant gave the Board all of the facts and zoning information at the last meeting.

MOTION BY JAMES OLIVO to approve Bulk Variance No. ZB08-13-08 for relief for a side yard set back where 60 feet is required and 44 is existing and 16.2 is proposed and a rear yard set back where 125 feet is proposed and 98 is existing and 97.4 feet is proposed, for construction of a 2 car attached garage in block 14901; lot 18. There is no additional property available for purchase; he will construct the garage within the footprint of the driveway. There will not be any drainage issues, the garage will be more aesthetically pleasing to the neighborhood, they will be able to take possessions off of the roadway and from the yard and utilize the garage for this purpose. The applicant would have moved the structure if necessary and that showed his cooperation. Evidently the garage will fit in with the neighborhood since other neighbors have similar garages. There were requirements added to the resolution, a building permit for a demolition of the shed on the property and work to be inspected, comply with all local, federal, state and county laws and statutes. Applicant aware that drilling a new well will be required if the need should arise in the future. Satisfy any concerns of the Engineering Department and supply the Planning Department with additional plans needed.

Mr. Brady thanked the applicant for his tenaciousness getting the information through the Health Department.

SECOND BY ARTHUR MC QUAID

Roll Call Vote:

Yes: James Olivo, Frank Curcio, Arthur McQuaid, Robert Brady

No: none

JAMES KACHLER

RESOLUTION NO. 15-2013

BULK VARIANCE ZB08-13-08

Block 14901; Lot 18

73 Timber Lane; R-4

Motion by Arthur McQuaid to memorialize Resolution No. 15-2013

Second by James Olivo

Roll Call Vote:

Yes: James Olivo, Frank Curcio, Arthur McQuaid, Robert Brady

No: none

DISCUSSION

2014 meeting dates-the time for the Re-organization meeting is 7:00 pm and the regular meeting is at 7:30.

Motion by Michael Siesta to approve the meeting dates and site inspection dates for 2014.

Second by James Olivo

All in favor to approve the meeting dates for the 2014 year.

Motion by Frank Curcio to approve Mr. Glatt's bills

Second by Michael Siesta

All in favor to approve Stephen Glatt's bills

Motion by Arthur McQuaid to approve the minutes of October 22, 2013.

Second by Frank Curcio

All in favor to approve

Motion by Arthur McQuaid to adjourn the meeting of November 26, 2013

Second by James Olivo

All in favor to adjourn

Meeting adjourned at 8:06 p.m.

Adopted: January 28, 2013

Respectfully submitted by,

Denyse L. Todd, Secretary
Zoning Board of Adjustment