

**TOWNSHIP OF WEST MILFORD  
ZONING BOARD OF ADJUSTMENT  
AGENDA**

**September 24, 2019**

7:30 p.m.

Main Meeting Room of Town Hall

**LEGAL**

*In accordance with Chapter 231, Public Laws of the State of New Jersey of 1975, adequate advance notice of this meeting was sent to the Herald News for publication, is posted on the Bulletin Board in the main corridor of Town Hall and is on file in the Township Clerk's Office. The Main Meeting Room is ADA accessible. Special needs can be accommodated by contacting the Zoning Board of Adjustment at (973) 728-2796.*

**PLEDGE**

**ROLL CALL**

*Regular Members:* Russell Curving, James Olivo, Daniel Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst  
*Chairman:* Robert Brady  
*Alternates:* Matthew Conlon, Steven Castronova  
*Board Attorney:* Stephen Glatt, Esq.  
*Board Planner:* Kenneth Ochab, Kenneth Ochab Assoc., LLC  
*Board Engineer:* Patrick D. McClellan, P.E., MCB Engineering

**MEMORIALIZATIONS**

**RANDA INVESTMENTS**

**RESOLUTION 13-2018 (Original and Amended Applications)**

**USE AND BULK VARIANCE #ZBo2-18-02**

Block 7601; Lot 2  
1463 Union Valley Road; VC Zone

***Decided:*** Denial of a use variance application for a 10 Unit (Amended to 8 Units) Townhouse/Apartment complex in the village commercial zone (VC)  
***Denied:*** July 24, 2018 (and April 23, 2019 Amended Application)  
***Eligible to vote:*** (Original Application) Russell Curving, Frank Curcio, Arthur McQuaid, Steven Castronova, Robert Brady, James Olivo, Michael Gerst  
(Amended application) Russell Curving, Frank Curcio, Arthur McQuaid, Matthew Conlon, Robert Brady, James Olivo, Michael Gerst

**B&B ORGANIC WASTE RECYCLING, LLC  
RESOLUTION 11-2019**

**USE & BULK VARIANCE & PREL. &  
FINAL SITE PLAN ZBo6-18-05**

Block 6002; Lot 29  
280 Marshall Hill Road; LMI Zone

**Decided:** Approval of a preliminary and final site plan and use and bulk variance for an organic recycling facility with accessory composting, topsoil production and mulch manufacturing, retail sales and offices for the front building and additional variances for 2 wall heights and driveway grade.

**Approved:** August 27, 2019

**Eligible to vote:** Daniel Jurkovic, Frank Curcio, Arthur McQuaid, Steven Castronova, Robert Brady, Michael Gerst, and Russell Curving

**JEFF GUNTHER (Amended to Ana Su)  
RESOLUTION 12-2019**

**BULK VARIANCE ZBo6-19-09**

Block 601; Lot 14  
15 Allaire Rd; LR Zone

**Decided:** Approval of a bulk variance for side yard setback where 30 feet is required and 6 feet is proposed for a 11'7" by 24' carport, (with a wall on one side to block wind/snow).

**Approved:** August 27, 2019

**Eligible to vote:** Daniel Jurkovic, Frank Curcio, Arthur McQuaid, Steven Castronova, Robert Brady, Michael Gerst, and Russell Curving

**JOSEPH GENEROSO  
RESOLUTION 13-2019**

**BULK VARIANCE ZBo6-19-11**

Block 6002; Lot 9.01  
578 Morsetown Rd; R-4 Zone

**Decided:** Approval of a bulk variance for a front yard setback where 125 feet is required and 80 feet is proposed to replace an existing deck and to add a roof.

**Approved:** August 27, 2019

**Eligible to vote:** Daniel Jurkovic, Frank Curcio, Arthur McQuaid, Steven Castronova, Robert Brady, Michael Gerst, and Russell Curving

**GREENWOOD LAKE SERVICES  
RESOLUTION 14-2019**

**APPEAL ZB 01-19-01**

Block 3107; Lot 1  
322 Lakeside Road; LR Zone

**Decided:** Approval of an appeal of the Zoning Official's decision that the proposal was an expansion of a pre-existing non-conforming use and the proposed survey did not show the current conditions.

**Approved:** August 27, 2019

**Eligible to vote:** Daniel Jurkovic, Frank Curcio, Arthur McQuaid, Steven Castronova, Robert Brady, Michael Gerst, and Russell Curving

**CARRIED APPLICATIONS**

**BATTINELLI ENTERPRISES  
USE & BULK VARIANCE & PREL. &  
FINAL SITE PLAN ZBo8-18-10**

Block 3907; Lot 1.01, 1.02 & 2  
1611 Greenwood Lake Tpke; LMI Zone

**Complete: 9/27/2018  
Deadline: 1/25/2019  
New Deadline: 11/28/2019**

Preliminary and final site plan and use and bulk variance approval requested. D2 variance required for Lot 2 to expand the garden center onto Lot 2. Lot 2 is proposed to be used only for accessory storage in connection with the garden center. Bulk variance requested for existing non-conformities, total area, Lot width and depth, front, rear and side yard setback, and street, side, rear, residential line buffers. (At the August 27, 2019 meeting the applicant requested to be carried to the October 22, 2019 meeting.)

**Attachment A – List of Variances**

**Use Variance Pursuant to N.J.S.A. 40:55D-70(d)(2)**

1. (d)(2) variance required for Lot 2 to expand the garden center onto Lot 2. Lot 2 is proposed to be used only for accessory storage in connection with the garden center.

**Bulk Variances Pursuant to N.J.S.A. 40:55D-70(c) (all existing non-conformities)**

1. Total Area: Required – 3 acres; Existing – 1.39 acres; Proposed – 1.39 acres.
2. Lot Width: Required – 300 feet; Existing – 231 feet; Proposed – 231 feet.
3. Lot Depth: Required – 300 feet; Existing – 120 feet; Proposed – 120 feet.
4. Front Yard Setback: Required – 125 feet; Existing – 14.4 feet; Proposed – 14.4 feet.
5. Rear Yard Setback: Required – 75 feet; Existing – 63.6 feet; Proposed – 63.6 feet.
6. Accessory Building Side Yard Setback: Required – 50 feet; Existing – 34.7 feet; Proposed – 34.7 feet.
7. Buffer to Street Line: Required – 50 feet; Existing – 0 feet; Proposed – 0 feet.
8. Buffer to Side Line: Required – 40 feet; Existing – 0 feet; Proposed – 0 feet.
9. Buffer to Rear Line: Required – 50 feet; Existing – 0 feet; Proposed – 0 feet.
10. Buffer to Residential Line: Required – 75 feet; Existing – 0 feet; Proposed – 0 feet.

**MICHAEL DARMSTATTER (Amended)**

**Bulk Variance ZB 06-18-04**

Block 6403; Lot 1.01  
151 Lincoln Avenue; R-1 Zone

**Complete: 2/15/2019  
Deadline: 8/17/2019  
New Deadline: 11/28/2019**

Originally approved and variance granted by the Board last year for a proposed accessory building 12 feet by 30 feet, and was located 11 feet from the side property line to stable a horse. The revised application proposes an expansion of the accessory horse stable to 12 feet by 36 feet, maintaining the 11 foot side yard setback and the 33.7 foot separation to the existing residential structure. The expansion requires the approval of these two variances. The purpose of the expansion is to allow two horses to be kept on the property. The applicant requested to carry the application to the November 26, 2019 meeting at the August 27, 2019 meeting.

### **NEW APPLICATIONS**

**UNION VALLEY ASSOCIATES, LLC**  
**USE VARIANCE ZB03-19-04**  
Block 6902; Lot 23  
1793 Union Valley Road; R-4 Zone

**Complete: 6/4/2019**  
**Deadline: 10/2/2019**

Use variance requested for an expansion of a pre-existing non-conforming use, for a three car garage with second floor storage. The property itself is both in the CC, Community Commercial Zone and R-4 Zone, with the proposed building being in the R-4 Zone, with other accessory buildings on the property. The proposed accessory structure is to be located in front of the primary structure.

**JOSEPH BARDI**  
**USE & BULK VARIANCE ZB01-19-02**  
Block 507; lot 2  
11 Laramie Trail; LR Zone

**Complete: 6/10/2019**  
**Deadline: 10/8/2019**

Use variance approval requested for a garage where there is no primary structure. Bulk variance requested for a front yard setback where 40 feet is required, 15.4 feet is existing and 25 feet is proposed.

**CHARLES SCHNEIDER**  
**BULK VARIANCE ZB04-19-08**  
Block 3007; Lot 10  
1 Kushaqua Trail North; LR Zone

**Complete: 7/11/2019**  
**Deadline: 11/8/2019**

Bulk variance approval requested for front yard fence height where 4 feet is required and 6 feet is proposed.

**PROCOPIOS TSAKOTELIS**  
**BULK VARIANCE ZB07-19-14**  
Block 3402; Lot 2  
66 Reidy Place; R-1 Zone

**Complete: 7/31/2019**  
**Deadline: 11/28/2019**

Bulk variance requested for rear yard setback where 50 feet is required, 54.8" is existing and 45.5' is proposed, and lot coverage where 10% is required, 10.14% is existing and 13.57% is proposed for a kitchen expansion.

**RONALD RUTZ**  
**USE VARIANCE ZB06-19-12**  
Block 3301; Lot 3  
Fox Island; R-2 Zone

**Complete: 8/2/2019**  
**Deadline: 11/30/2019**

Use variance requested where there is no primary structure and the use is not permitted for a 10' by 9'6" shed built prior to the submission of the application.

**EDITH SAUTER**  
**BULK VARIANCE ZB07-19-15**  
Block 4301; Lot 40  
27 Forest Lake Drive; LR Zone

**Complete: 8/16/2019**  
**Deadline: 12/14/2019**

Bulk variance requested for side yard setbacks where 30 feet is required, 22.5'/8.0' is existing, 10.3'/10.0' is proposed. Rear yard setback where 60 feet is required, 46.8" is existing and 37.1' is proposed, and primary building coverage where 10% is required, 10.9% is existing and 18.9%, and assessor building coverage where 3% is required, 0% is existing and 3.7% is proposed for an addition to an existing dwelling.

### **DISCUSSION**

Annual report

### **APPROVAL OF INVOICES-BOARD PROFESSIONALS**

Review and approval of invoices for Stephen Glatt, Board Attorney, Kenneth Ochab, Board Planner, Patrick McClellan, MCB Engineering, Board Engineer

### **COMMUNICATIONS**

#### **LITIGATION**

None

### **APPROVAL OF MINUTES**

August 27, 2019

### **ADJOURNMENT**

**Next meeting October 22, 2019 at 7:30 p.m.**