

**MINUTES  
Of the Township of West Milford  
ZONING BOARD OF ADJUSTMENT  
July 26, 2022  
Regular Meeting**

(Due to COVID-19 social distancing requirements this virtual meeting was held on Zoom.) Arthur McQuaid, Board Chairman, opened the Zoom Meeting of the Zoning Board of Adjustment at 7:33 p.m. The Board Secretary read the Legal Notice.

7:42 PM

**Legal Notice was announced**

**ROLL CALL**

7:45 PM

**Present:** Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael DeJohn  
**Also Present:** Pamela Jordan, Board Secretary, Stephen Glatt, Esq.  
**Absent:** Matthew Conlon, Peter McGuinness, Russell Curving, Patrick McClellan, Kenneth Ochab

**The Pledge of Allegiance was recited**

**Michael DeJohn recited the Oath of Office as a Citizen Member of the Zoning Board of Adjustment.**

Mr. McQuaid stated there were 5 regular Board members present and greeted the Board, the applicants and any members of the public. Mr. McQuaid explained the Zoning Board. The meetings are advertised in the Herald News and on the Township website. The Board operates in accordance with the Open Meeting Act of the State of New Jersey, which means discussions and decisions are made in public.

**MEMORIALIZATIONS**

**RESOLUTION 10-2022  
BULK VARIANCE ZB 06-21-11  
Mark & Emma Scalfani  
BLOCK 4201 LOT 4  
67 Lake Park Terrace LR Zone**

**Decided:** Approval for construction of a GARAGE in the front of the house.  
**Approved:** May 24, 2022  
**Roll call:** Linda Connolly, Daniel Jurkovic, Arthur McQuaid, Frank Curcio, Michael DeJohn

**RESOLUTION 11-2022  
KENNETH AND LAURA TRUMPER  
BULK VARIANCE ZB 03-22-04  
Block 9302 Lot 11  
80 Starlight Road, R3 Zone**

**Decided:** Approval to install a 6 foot fence along the front property line.  
**Approved:** May 24, 2022  
**Role call:** Linda Connolly, Daniel Jurkovic, Arthur McQuaid, Frank Curcio, Michael DeJohn

**RESOLUTION 12-2022  
HOLY INSTITUTION PANAGIA SOUMELA, INC.  
PRELIMINARY AND FINAL SITE PLAN, BULK AND USE VARIANCE  
ZB 01-21-02  
Block 6404 Lot 10, CC Zone  
253 Marshall Hill Road**

**Decided:** Approval for the expansion of an existing House of worship, including addition, construction of a pavilion, bath house and storage sheds.  
**Approved:** May 24, 2022  
**Roll call:** Linda Connolly, Daniel Jurkovic, Arthur McQuaid, Frank Curcio, Michael DeJohn

## **NEW APPLICATIONS**

**FERDINAND (FRED) DeMARCO**  
**21 Laramie Trail**  
**Block 505 Lot 6 LR Zone**  
**BULK VARIANCE ZB 05-22-07**

**COMPLETE: June 17, 2022**  
**DECISION: October 15, 2022**

**SEEKING:**

**Front yard and accessory building coverage where 3% is required 1.9% exists and 5.43% is proposed to construct a 14.33 foot x 26 foot one car garage in the front yard and a 26 foot x 10 foot attached carport including a 6 foot x 6 foot porch located to the right of the garage.**

Steven J. Bryan, Attorney- appeared before the Board stating he represented objectors Donald and Linda Purgess, neighbors of the Applicant. Mr. Bryan stated he submitted a letter of representation to the Board Secretary and the Board Attorney. Mr. Bryan stated he found there to be defects in the Notice for public hearing.

The Applicant could not appear and previously requested the matter be carried.

Mr. Glatt stated the applicant should re-notice and the matter should be adjourned per the request from the Applicant and possible deficient notice.

**A motion was made by Daniel Jurkovic and second by Arthur McQuaid to carry the matter to the August 23, 2022 meeting. The Applicant is required to re-notice.**

**Roll call vote:**

**Yes:** Linda Connolly, Arthur McQuaid, Frank Curcio, Michael DeJohn  
**No:** None  
**Opposed:** None

There was discussion between the Board Attorney and Attorney for Applicant IRE LLC, John Wyciskala to determine if the application would be heard this evening. There are 5 Board members present. Prior testimony was given at the May 24, 2022 meeting. Absent members would have to listen to tapes of testimony.

**JOHN SARKISIAN**

**ZB 08-21-13**

**41 Greenbrook Drive**

**Block 6710 Lot 4, R-1**

**CLARIFICATION for Resolution 21-2019 regarding height of an already approved garage.**

Board Member, Daniel Jurkovic recused himself from this matter and stepped down from the dais.

The Board Attorney swore in Applicant John Sarkisian of 41 Greenbrook Drive. Mr. Sarkisian indicated he was back before the Board to clarify the correct height of the previously approved garage. The corrected height is 19' 6", referencing the approved drawings. Mr. Sarkisian confirmed there have not been any changes to the already memorialized matter. There had been testimony stating the garage height from ground to ride was 13'6". The size of the garage dictated the height of the garage.

There were no questions from the Board.

The Chairman open the matter to the public. Seeing no one, Frank Curcio made a motion to close the public portion and second by Linda Connolly.

A motion was made by Linda Connolly to approve supporting testimony to clarify the correct garage height contained in Resolution 21-2019 for ZB 08-21-13- 41 Greenbrook Drive and second by Frank Curcio.

**Roll Call:** Linda Connolly, Arthur McQuaid, Frank Curcio, Michael DeJohn  
**No:** None  
**Opposed:** None

The Board Attorney stated he prepared an amended Resolution reflecting the height verification in an attempt to streamline the memorialization as Mr. Sarkisian has been patient and delayed. The Board could approve the Resolution and the 45 day appeal period could begin when the matter was published.

**A motion** was made by Linda Connolly to approve **Resolution 13-2022** 41 Greenbrook Drive Block 6710 Lot 4, R-1, correcting the height previously approved in Resolution 21-2019 for the approved garage and second by Frank Curcio.

**Roll Call:** Linda Connolly, Arthur McQuaid, Frank Curcio, Michael DeJohn  
**No:** None  
**Opposed:** None

The Board Attorney explained, Resolution 13-2022 was memorialized at the July 27, 2022 meeting and any person wishing to appeal had a 45 day time frame to do so. Any action the Applicant moved forward with was at his own risk.

**IRE LLC. (Moove In Self Storage)**

**11 White Road, CC Zone**

**Block 6902 Lot 17**

**BULK AND USE VARIANCE ZB 03-22-03**

**PRELIMINARY AND FINAL SITE PLAN**

**SEEKING:** Approval for the expansion of an existing non-conforming use, with bulk variances requested for front yard setback, where 50 feet is required, 38.8 feet exist and 25.3 feet is proposed; rear yard setback where 50 feet is required, 69 feet exists and 37.7 feet is proposed; and impervious coverage where 60% is required, 71% exists and 75% is proposed for the expansion of an existing self-storage facility.

**Previous Testimony at May 24, 2022 meeting**

**Eligible to vote:** Linda Connolly, Daniel Jurkovic, Arthur McQuaid, Frank Curcio, Michael DeJohn

**COMPLETE: April 25, 2022**

**DECISION: August 23, 2022**

Mr. John Wyciskala appeared on behalf of the Applicant, IRE LLC. operator of the existing Moove in Self Storage Facility. The initial application submitted proposed approximately 12,600 sq. footage of new storage space to include 2 new self-storage facilities on the property. The applicant previously testified to expanding in 2 phases. The Board expressed concern that the plan submitted did not show phases. After discussion the matter was adjourned. The June Zoning Board meeting was canceled.

Mr. Wyciskala stated the project was no longer proposed in phases. Additionally, the scope of this project has been reduced to 6427 sq. feet. Two buildings in the rear with one addition to the existing building. Phase II has been removed from the scope of this project. Variance relief for impervious coverage will remain at 71% (existing non-conforming).

Mr. Don Haas from Bogia Engineering, 667 Exton Commons, Exton, PA was sworn in by the Board Attorney. Mr. Haas is a licensed landscape architect in PA and MD with 19 years' experience in civil engineering and site development. Mr. Haas stated he has testified in various counties in NJ.

Mr. Haas displayed a newly introduced **exhibit**, marked **A2**, a color rendering of the proposed site plan. The entry gate access and existing driveway on White Road will remain unchanged. The fire lane is maintained for emergency vehicles. There is a proposed addition of approximately 1900 square feet to the front of the building and two additions to the back at 2000 square feet and 2600 square feet. The existing fence along the frontage of the property will be replaced and trees will be added to enhance the appearance. Additional landscaping is proposed along the rear of the facility. The layout is limited due to shallow rock and a cliff to the rear of the site.

Mr. Haas indicated he had an opportunity to review the professional Board reports. Positive drainage is addressed and impervious coverage will not change. ADA additional parking signage has been added to the plans per the Construction Official comments. The proposed use will not change or impact the existing functioning septic system. Additional information has been submitted to West Milford Department of Health. The rear yard setback is for the building location and the buffer is for any improvements. The property behind the facility is owned by the State of NJ, Department of Environmental Protection.

The Board Attorney swore in Professional Planner for the Applicant, Mr. Nicholas Graviano, partner with Graviano and Gillis Architects and Planner located at 101 Crawford's Corner Road in Homedale NJ. Mr. Graviano has a bachelor's degree in Planning and a Master's degree in City and Regional Planning both from Rutgers University and a law degree from Temple University School of Law. Mr. Graviano is a licensed Professional Planner in NJ and holds an AICP Certification. Mr. Graviano stated he has testified in over 100 Boards in 18 different Counties. Mr. Graviano stated the Preliminary and Final Site Plan Approval is for the expansion of the existing storage facility. The expansion is roughly 6400 square feet requiring a C and D variance. The Applicant has reduced the proposed buildings by roughly half the space with two proposed buildings. The area is mixed land uses, predominately commercial. The rear of the property is DEP, protected land. A portion of the site is located within the R4 district. There are no neighbors to create a nuisance. The Applicant requests a D1 Use Variance, the Board has the ability to approve the variance utilizing the positive criteria. Purpose A, G, I of the municipal land use law are suited to support this application. Goal 4 from Goals and Objectives in the Master plan from 2017 Master Plan land use element support the project as detailed. The Applicant requests a C Variance for front yard, rear yard and maximum impervious coverage. The impervious coverage is not changing, however the current is a pre-existing conforming calculation. The Board Attorney ask that a site plan include a clear breakdown of square footage.

While reviewing Exhibit A2 with the Board, Mr. Wyciskala discovered the 25.3 foot setback.

**Mr. Graviano stated when the plans were revised, the need for the front yard setback in the CC Zone was eliminated. The proposed building in front of the site will comply with the 50 foot setback. The Application will require a D1 USE Variance and Rear yard setback and Preliminary and Final Site Plan. The new building in the CC zone conforms to the 50 foot setback. The lot coverage, remaining the same is an existing nonconforming request to solidify the existence.**

The Chairman open the matter to the public. Seeing no one, Frank Curcio made a motion to close the public portion and second by Linda Connolly.

Responding to a question from the Board, Mr. Graviano stated there would be no impediment to the access for the DEP Property located on site. There are no obstacles being put up.

The Chairman re-opened the matter to the public. Seeing no one, Frank Curcio made a motion to close the public portion and second by Linda Connolly.

In closing, Mr. Wyciskala thanked the Board. The site has been a storage facility for many years and before the current owner it was a storage facility. The applicant would like to improve the site. The expansion is modest. The site will be cleaned up with additional landscaping.

A motion was made by Daniel Jurkovic to approve **IRE LLC 11 White Road, CC Zone ZB 03-22-03 for a D1 Variance and Preliminary and Final Site Plan** to include the pre-existing non-conforming front yard, lot coverage and the rear yard setback of 37.7 feet. The approval will be an investment and benefit to the community and second by Frank Curcio

**Roll call vote:**

**Yes:** Linda Connolly, Arthur McQuaid, Frank Curcio, Michael DeJohn, Daniel Jurkovic

**No:** None

**Opposed:** None

**ROBERT EVANS**  
**125 Greendale Drive**  
**Block 16808 Lot 4 R4 Zone**  
**BULK VARIANCE ZB 04-22-05**  
**SEEKING:**

**COMPLETE: June 8, 2022**  
**DECISION: October 6, 2022**

Side yard setback where 50 feet is required, 85 feet is proposed/existing  
Rear yard setback where 50 feet is required, 20 feet is proposed/existing (rear shed)  
Distance to other buildings where 20 feet is required and 0 feet is proposed/existing  
Accessory building coverage where 1500 square feet is permitted and 660 square feet is proposed  
**for two existing accessory sheds.**

The Board Attorney swore in the Applicant, Mr. Robert Evans of 125 Greendale Drive, Oakridge NJ. Mr. Evans stated the metal shed close to the garage was brought to his house after “Sandy” ( storm ) from his former business. He described the shed as 2” from the house and not attached. Mr. Evens stated he had a verbal approval from a former building inspector to place the shed at the current location. The second shed was purchased to store antique cars from his deceased brothers that he wanted to keep and shelter. Mr. Evans was not aware permits were required. Mr. Evans is selling his house and the buyer ( present ) would like to keep the sheds.

The Board Chairman stated this Board deals with the zoning portion of permitting including, lot coverage, accessory buildings size and distance and setbacks. This Board may grant a variance, however Building and Heath department regulations would have to be complied with.

Mr. Evens stated he based placement of the sheds from a verbal ok from a previous building inspector and would agree to comply with township requirements.

The Board Secretary referenced the Variance Application stating the shed sizes were listed as 25’ x 12’ and 20’ x 18’. Mr. Evans stated the tin shed (closest to the house) was “put up” 17 years ago and the green shed was put up 10 years ago.

The Board Attorney referenced the Zoning Application Denial, prompting the need for several Variances – One being for lot coverage based on the R60 zone – existing at the time the sheds were put up. Under R60 each structures square footage on the property is included in the calculation, the total calculation could not exceed 12%. Calculations consisting of all sheds, driveways pool house and more totaled 18.5 % overall coverage. In 1969 (thereabout) the zone was changed to R4 zone. Under R4, the rear yard setbacks and distance from buildings variance is required. (pre-existing non-conforming uses) Following current zone R4 zone alleviates the need for lot coverage and side yard setback Variances.

Mr. Evans stated there was never an intention to do something not permitted. The sheds are in perfect condition. The property is landscaped and very neat. It may be possible to move the shed but there is not a location to place it. Mr. Evans stated there have not been any complaints from neighbors in the past 15 years. Mr. Evans stated the sheds have not had a negative impact on neighbors. The sheds are airport quality- used for airport hangers with a standard 8 foot door line, constructed very well and suspected to last forever.

The Board Attorney stated, if the Board grants this Variance – either Mr. Evans or the new buyers will have to go through the process of going through the permit process and inspections as if this were new construction and bring to code or face possible fines.

The Chairman open the matter to the public.

A member of the Board asked the Zoning Officer, also present at this meeting, to weigh in on the two different zoning options. Michael Gerst, West Milford Township Zoning Officer stated the 1969 rule in this matter provides for better setbacks and can be utilized as grandfathered for less setback requirements.

A member of the public came forward, The Board Attorney swore in Terry Fitzpatrick of 5737 Berkshire Valley Road, Oakridge. Ms. Fitzpatrick is the buyer of the property Ms. Fitzpatrick stated the rear yard setback may be 20' but is backed by Watershed property. The sheds look as they were built with the house, provide privacy and not visible from the road. Ms. Fitzpatrick would like the sheds to remain as is.

With no others from the public coming forward Frank Curcio moved to close the public portion, and second by Daniel Jurkovic.

Daniel Jurkovic made a **motion to approve ZB 04-22-05, 125 Greendale Drive Block 16808 Lot 4, R4 Zone** for a rear yard setback where 50 feet is required and 20 feet is existing and distance to other buildings where 20 feet is required and 0 feet is existing- the buildings have been in place for quite some time and the rear yard will not impact anyone, the structures will not cause a problem to the neighbors and the new buyer would like them to stay and second by Linda Connolly.

**Roll call vote:**

**Yes:** Linda Connolly, Arthur McQuaid, Frank Curcio, Michael DeJohn, Daniel Jurkovic  
**No:** None  
**Opposed:** None

The Board Attorney explained to the Applicant that the written Resolution should be memorialized at the next Zoning Board meeting and the approval will be published in the local newspaper. There is a 45 day appeal period.

**The nomination for a vice chair was open to the Board**

**Daniel Jurkovic made motion to nominate Frank Curcio as Vice Chair and second by Linda Connolly.**

**Yes:** Linda Connolly, Arthur McQuaid, Frank Curcio, Michael DeJohn, Daniel Jurkovic  
**No:** None  
**Opposed:** None

The Board Attorney stated Mr. Arthur McQuaid moved from Vice Chairman of the Zoning Board of Adjust to Chairman of the Board.

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

**Daniel Jurkovic made a motion to approve professional invoices and second by Michael DeJohn.**

**Roll call vote:**

**Yes:** Linda Connolly, Daniel Jurkovic, Arthur McQuaid, Frank Curcio, Michael DeJohn  
**No:** None  
**Opposed:** None

**Daniel Jurkovic made a motion to approve May 2022 minutes and second by Michael DeJohn.**

**Roll call vote:**

**All were in favor**

#### **COMMUNICATION**

- Mr. McQuaid stated Mr. Brady had resigned from the Board
- The Board Attorney stated there has not been any communication regarding litigation
- The next meeting is August 23, 2022 at 7:30 pm

**A motion was made by Daniel Jurkovic to adjourn the May Zoning Board meeting and second by Arthur McQuaid.**

**All were in favor**

**Adjourned 9:58 PM**

---

**Respectfully Submitted**  
**Pamela Jordan**