

**TOWNSHIP OF WEST MILFORD
ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
July 23, 2024
7:00 p.m.
MAIN MEETING ROOM OF TOWN HALL**

The meeting was called to order at 7:09 p.m.

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) 728-2798.

PLEDGE was recited

ROLL CALL

Present: Russell Curving, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Stacy-Ann Webb
Chairman: Frank Curcio
Secretary: Pamela Jordan
Absent: Daniel Goodsir,
Also Present: Stephen Glatt, Esq., Kenneth Ochab P.P., Patrick D. McClellan, P.E., MCB Engineering

There are 6 members of the Board present.

The Chairman greeted the Board and members of the public stating guidelines and the role and responsibility of the Board.

I. MEMORIALIZATIONS

RESOLUTION 16-2024

Nicholas & Giulia Marra

ZB-02-24-05

1021 Union Valley Road

Block 7701 Lot 10 R1 Zone

APPROVED BULK VARIANCE

Front yard setback 50 ft. is required, 57.1 ft. exists, 37.75 ft. is approved for a second floor addition.

Eligible to vote: Russell Curving, Frank Curcio, Michael DeJohn, Arthur McQuaid

Motion to Approve Resolution 16-2024: Russell Curving

Second: Michael DeJohn

Roll Call:

Yes: Russell Curving, Chairman Curcio Michael DeJohn, Daniel Jurkovic

Opposed:

Abstain:

Complete: April 25, 2024

Approved: May 28, 2024

RESOLUTION 17-2024

Jesse Demers

ZB-04-24-10

179 Point Breeze Drive

Block 2601 Lot 30 LR Zone

APPROVED BULK VARIANCE

Side yard setback, 10 ft. required, 5.93 exists and 5.93/6.93 ft. approved

Rear yard setback, 30 ft. required, 20.3 exists, 15.5 ft. approved

Lot coverage, 20% permitted, 21% exists, 26.3 approved

For a 2 story addition to the front and rear of an existing single family home.

Eligible to vote: Russell Curving, Frank Curcio, Michael DeJohn, Arthur McQuaid

Motion to Approve Resolution 17-2024: Michael DeJohn

Second: Russell Curving

Roll Call:

Yes: Russell Curving, Chairman Curcio Michael DeJohn, Daniel Jurkovic

Opposed:

Abstain:

Complete: May 5, 2024

Approved: May 28, 2024

NEW APPLICATIONS

James Flaherty

ZB-04-24-09
145 Country Road

Block 101 Lot 4 R4 Zone

SEEKING BULK VARIANCE

- Front yard setback 125 ft. is required, 40 ft. is proposed for an existing shed

Complete: April 25, 2024

Deadline: August 22, 2024

The Applicant did not appear, notice or advertise the matter leaving the Board without jurisdiction. The matter was carried to the next meeting.

A Motion was made by Peter McGuinness, after hearing from the Applicant during this meeting, to carry the matter to the August 27, 2024 meeting.

Second: Michael DeJohn

Roll Call

Yes: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Stacy-Ann Webb

No:

Opposed:

Vincent Lanza for Cuzenza

ZB-05-24-13

77 Lake Park Terrace

Block 4303 Lot 1 LR Zone

SEEKING: BULK VARIANCE

Front Yard setback – 40 ft required, 32.9 proposed (porch)

Front Yard setback – 40 ft required, 21.4 ft proposed (porch)

Side Yard setback – 30 ft required, 20.8 ft proposed

For the construction of a new 2 story dwelling

Complete: June 18, 2024

Deadline: October 16, 2024

The Applicant neglected to notice or advertise the matter leaving the Board without jurisdiction.

A motion was made to carry ZB-05-24-13, 77 Lake Park Terrace to the next meeting scheduled for August 27, 2024 with the understanding the Board Attorney would follow up with Mr. Lanza (listed as the applicant and agent on the application) as to ownership clarification.

Motion: Daniel Jurkovic

Second: Russell Curving

Roll Call

Yes: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Stacy-Ann Webb

No:

Opposed:

Nicholas Lengares

ZB-05-24-14

Ellisdale Road

Block 2003 Lot LR Zone

SEEKING: USE VARIANCE

For storage of personal equipment, trailer, & boat without a primary dwelling.

Complete: June 14, 2024

Deadline: October 12, 2024

Mr. Nicholas Lengares was sworn in by the Board Attorney stating his name and address, 18 Ellisdale Road in Hewitt.

Mr. Lengares stated he was before the board because he wanted to park his trailers on his lot. The lot is separate from the dwelling.

Mr. Lengares stated;

He has three “kids”.

He owns a house and three other lots.

His plan for the lots were described as, sell the house and the family would split profits and each child would “get” a lot.

The children do not want to live in the house.

The lots were “set up” by design to give each child a lot.

He owns lots Block 3 lots 2.01, 2.02, 10 & 11 (according to a referenced map).

Referencing a map, behind 2.02 (on Ellisdale), lot 11 is owned by Mr. Lengares and in his name.

Mr. Lengares stated,

He was not aware if the lots meet code for building.

The lots along Hewitt “way back when” there were dirt roads and a bungalow community.

The lots were very small. As the town grew new ordinances were passed with size regulations for building.

Lots were offered with right of refusal to adjacent owners when sold.

Mr. Lengares acquired several lots as an adjacent property owner in the past.

He receives 4 different tax bills for the property.

The properties remain in his name.

He has been parking his personal equipment for 25 years

Nothing parked on the lot is visible

The Board Planner offered;

Lot 11 was most likely a 25 foot lot.

Referencing a memo prepared by Kenneth Ochab, Board Planner, dated June 12, 2024 the lot is vacant but is adjacent to lot 2.02 also owned by the Applicant, with his principal residence. Adjacent lot 2.02 is 11,205 sq. ft. are stand-alone parcels and meet the R10 criteria. Separate lots prohibit the parking of vehicles on a lot without a principal structure. If the lots were merged, no variance would be required.

A discussion took place among Board members, considering the possible conditions if approved.

A variance will run with the property to the owner on 2.02 retaining ownership. A setback should be considered. Lot 2.02 is an undersized with no room for storage. Merging the lots would cause the township to lose a large lot where another house could be built, in turn supporting the township in the Master Plan.

Mr. Lengares stated he understood if the ownership of the lot were to change, the variance would no longer be valid if approved.

With no further questions of the applicant,

The application was opened to the public at 7:45 pm.

Seeing no one, Michael Hensley moved to close the public portion

Second: Stacy-Ann Webb

All in favor

Motion to Approve: Peter McGuinness

ZB-05-24-14 Block 2003 Lot 3 (that attaches to lot 2.02, 2.01 and 11) all owned by Nicholas Lengares, Application for continuation of personal storage on the lot 3 conditioned upon the applicant maintaining ownership of lot 2.02, a 20 foot setback remain and the Resolution of approval for this matter be recorded in the Passaic County registry by the Board Attorney

Second: Stacy-Ann Webb

Roll Call

Yes: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Stacy-Ann Webb

No:

Opposed:

The Board to a 10 minute break at 7:50, resumed at 8:01 pm

Mark & Alexandra Brand

ZB-05-24-11

Steven J Bryan Esq.

20 Olcott Road

Block 3705 Lot 67 LR Zone

SEEKING: BULK VARIANCE for the construction of a 16 foot x 21 foot addition to an existing non-conforming dwelling.

Rear Yard Setback, 30 feet is required, 34.5 feet exists, 18.60 feet proposed

Represented by Steven J Bryan, Esq.

The Applicants, Mark Brand and Alexandra Brand residing at 29 Olcott Road stepped forward and were sworn in by the Board Attorney.

Mr. Brand stated he is before this Board seeking a variance approval to put an addition on his home. The expansion is located at the rear of the home to expand the existing kitchen. The kitchen that is currently not functional.

The addition will improved the aesthetics of the property with size and curb appeal.

The home is single family, two story home. There is a concrete patio to the rear of the structure.

*Reference page 2 of a survey prepared by Allison Engineering.

The patio is 22.8 feet off the property line. The patio is proposed to be removed.

New drainage is proposed in the place of part of the patio, adding crushed stone and corrugated piping.

Proposed gutters will be directed toward the new trench drain.

The property is irregular in shape.

The applicant's property abuts State land to the rear and will not impact any neighbors.

The well (facing the house) is located to the right side of the house. The septic is located on the left side of the house.

The only location to expand is at the back of the house.

There is no available vacant property to the left or right of the property.

The house was built in 1957, *approximately*.

The property qualifies for R-10 zoning guidelines.

A variance for lot coverage is not required under R-10 zoning. The Board Planner suggested including this variance as a safety measure.

Lot coverage was included in the Notice for this matter.

The Board Planner stated he was satisfied with testimony from the Applicant addressing the age of the home, vacant land and neighborhood criteria.

The application is for a one story addition.

The property backs up to state property.

The existing side yard setback is 11 feet.

The addition side yard setback is 18 feet, not in line with the existing.

Thirty feet is permitted.

The nearest structure is on the adjacent lot with no impact.

The Board Engineer stated he did not have concerns. The project is de'minimus from a site engineering perspective. The nature of the project would not require dry wells. The applicant is taking measures, stated in testimony, to mitigate existing pooling.

With no further questions from the Board the Application was opened to the public in accordance with the NJ Open Public Meetings act.

Mary Catherine Nash, was sworn in by the Board Attorney.

Ms. Nash stated:

13 Olcott Road is across the street from the applicant's home.

Ms. Nash's Mother is deceased.

Ms. Nash is there representing the executrix and family of the will whom is ill.

Water runoff effects 13 Olcott Road and neighboring properties.

Ms. Nash would like the runoff prevented with a drywell or stretch drains or detention pond to prevent the water from stopping up the drains.

The Applicants Attorney described the proposed drainage plan;

A 4 ft. by 6 ft. French drain to be installed at the corner of the house.

A retaining wall is proposed with drainage behind the wall to include gravel and in front a trench drain to the road.

The Board Engineer stated;

The property contains a septic and well.

There are statutory setbacks that will discourage a drywell on this property to prevent water from a septic field into a drywell.

A drywell isn't an option.

Putting water into the ground is a great idea.

Slowing the water down and spread out in a "lawn area" is another strategy to keep it from concentrating, if the applicant is willing.

With no further members of the public,

Motion to close the public portion: Peter McGuinness

Second: Stacy-Ann Webb

Roll Call

Yes: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Stacy-Ann Webb

No:

Opposed:

Motion to Approve: Peter McGuinness

ZB-05-24-11, 20 20 Olcott Road, Block 3705 Lot 67 LR Zone for Bulk Variance(s) for rear yard setback 30 feet required 34.4 exists 18.6 is proposed, side yard setback 30 feet required, 23 exists, 18.6 proposed and building coverage for future clarity, 10% required 12.17 exists 16.06 proposed. The rear yard is backed by state land. The side yard is less than the existing with little or no impact. The Applicant is taking measures to lesson runoff.

Second: Stacy-Ann Webb

Roll Call

Yes: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Stacy-Ann Webb

No:
Opposed:

II. APPROVAL OF INVOICES

Motion to Approve: Russell Curving

Second: Peter McGuinness

Roll Call

Yes: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Stacy-Ann Webb

III. APPROVAL OF MINUTES

May 28, 2024

Motion to Approve: Russell Curving

Second: Michael DeJohn

Eligible to vote: Russell Curving, Frank Curcio, Michael DeJohn, Daniel Jurkovic, ~~Arthur~~
MeQuaid

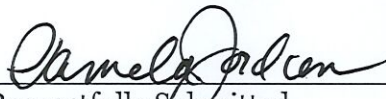
Roll Call

Yes: Russell Curving, Frank Curcio, Michael DeJohn, Daniel Jurkovic

Motion to adjourn 8:38PM: Peter McGuinness

Second: Michael DeJohn

All were in favor



Respectfully Submitted,
Pamela Jordan, Secretary
Zoning Board of Adjustment

Approved August 27, 2024