

MINUTES
Of the Township of West Milford
ZONING BOARD OF ADJUSTMENT
December 20, 2022
Regular Meeting via Zoom

The Chairman greeted the Board, the applicants, members of the public and explained the Board operates in accordance with the Open Meeting Act of the State of New Jersey, discussions and decisions are made in public and all are entitled to speak.

The Secretary read the legal notification.

ROLL CALL
7:34 PM

Present: Russell Curving, Michael DeJohn, Daniel Jurkovic, Peter McGuinness, Matthew Conlon, Michael Hensley, Frank Curcio, Arthur McQuaid
Stephen Glatt, Kenneth Ochab
Also Present: Pamela Jordan, Board Secretary, Steven Glatt, Esq., Attorney, Kenneth Ochab, Planner, Michael Gerst, Zoning Officer
Absent: Linda Connolly, Patrick McClellan, Engineer
Late:

The Pledge of Allegiance was recited

Matthew Conlon is stepping up as a voting Board Member.

The Chairman of the Board stated there would be a change in order from the printed Agenda hearing the Katz matter first.

ISRAEL KATZ
ZB 09-22-16
54 Old Lakeside Road South
Block 3406 Lot 12 R-1 Zone ..00
SEEKING Bulk Variance for (L) **Side Yard** setback where 30 feet is required, 6.9 exists and 6.9 is proposed, **Building Lot Coverage** where 10% is required, 14.2% exists and 15.8% is proposed for the expansion and remodel of an existing dwelling and to installation of an in ground pool.
Complete: 11/30/2022
Deadline 03/30/2023

Stepping forward on behalf of the Applicant appeared, Robert Moshman with an office located at 179 Cahill Cross Road in West Milford. Mr. Moshman requested an adjournment due to a staffing change with the Applicants Engineering firm and a possible calculation discrepancy.

Mr. Moshman agreed to sign West Milford Consent to Extension of time for Decision form.

Mr. Moshman stated if the plans require a substantial change and re-notice would be required, The Board Attorney requested re-notice regardless of changes.

A **motion** was made by Matthew Conlon to carry Application **ZB 09-22-16** to the next Board meeting, January 24, 2023, **second** by Daniel Jurkovic.

Yes: Russell Curving, Michael DeJohn, Daniel Jurkovic, Peter McGuinness, Matthew Conlon, Frank Curcio, Arthur McQuaid

No:

I. CARRIED APPLICATIONS

CATHERINE DeMARCO
ZB 05-22-07
21 Laramie Trail
Block 505 Lot 6 LR Zone
SEEKING Bulk Variance for side yard setback where 30 feet is required and 45.7 feet exists and 24.5 feet is proposed and front yard where 40 feet is required and 12 feet is proposed for construction of a one-car garage accessory building.
Complete: 06/17/2022
Extended Deadline: 04/13/2023

The Applicant Catherine DeMarco came forward, was sworn in by the Board Attorney and stated she currently resides at 21 Laramie Trail, the house was purchased in 2016. Ms. DeMarco has

been a full time resident from 2020. The Applicant stated she is seeking to build a garage for a tractor and snow blower.

Douglas McKittrick came forward, was sworn in by the Board Attorney and stated, his office is located at 2024 Macopin Road in West Milford, is a licensed engineer from 1982, is a professional planner from 1983 and has been qualified in many municipalities in Passaic and Bergen County as an expert. Mr. McKittrick would be appearing as both a planner and engineer for this matter.

Mr. McKittrick referenced a report from MCB Engineering (the Board Engineer) and stated the project proposes one detached garage and one carport. This project has been revised for a detached garage only. The shed and canopy located on the far right side of the property are to be removed. The macadam driveway located near the property line (with a boat parked on it) is proposed to be removed. The Right of Way in the front of the property runs on an angle. Distance from the property line on the right is about 20 feet. The front of the house faces Laramie Trail. Mr. McKittrick stated he is referencing the Site Plan dated 06/27/2021, revised 10/30/2022- The Property is located on Upper Greenwood Lake with lake frontage and *basically square in shape* with 100 ft of road frontage with a slight increase on the south westerly side. The primary structure located to the south west (marked dwelling 21) has a deck and dock. There is a shed and canopy located on the southeasterly side. Access to the shed is along the property line on the easterly side. The septic system was constructed in 1965 marked “existing disposal field”. The septic location is approximate. The Plans show a future septic location to the southeast giving an option to move the septic if the application is approved. Soil conditions are sand and gravel. The single story garage is proposed to be 15.5 feet x 25 feet with an angled roof. The garage will store a car and garden tools. The location is located 12 feet off of the property line, approximately 30 feet off Laramie Trail. The curved driveway provides a safety factor for not having to back out of the driveway. The property is not in the flood hazard area. There is enough space on the property to put in a new septic system. The septic system is fully functional. Most of the houses in the area have a garage. Mr. McKittrick “lined up” the garage location with the home for aesthetics and to optimize yard space. Locating a garage closer to the road helps to maintain the integrity of the water body quality. A Board member proposed moving the garage 8 feet closer to the water body. The distance from lake to proposed garage (8 feet closer to the water) would be approximately 75 feet. Relocating the garage 8 feet closer to the lake allows for a car to park in front of the garage without parking on the right of way.

Matthew Conlon made a **motion** for a 5 minute recess allowing the applicant time to speak with Mr. McKittrick to discuss and consider moving the proposed garage 8 feet closer to the water body and **second** by Daniel Jurkovic.

Yes: Russell Curving, Michael DeJohn, Daniel Jurkovic, Matthew Conlon,
Frank Curcio, Arthur McQuaid

No:

Abstain: Peter McGuinness

After a 5 minute recess, Mr. McKittrick stated his client would agree to move the proposed garage 8 feet

The Board Attorney referenced an email dated December 19, 2022 received from the Board Engineer to the Board Secretary (in anticipation of his absence from the meeting). Mr. McKittrick indicated he received a copy of this email prior to the meeting and stated the following;

- The property is not located in a flood hazard zone
- The proposed garage was 12 feet from the right of way. The 8 foot adjustment (agreed to tonight) places the garage 20 feet from the right of way.
- Any changes to the septic would require approval from the health department.

The Applicant stated the septic system is in good working order at this time. A report contained in the Board members packet indicated the septic system was satisfactory.

Steven Bryan, 172 Lakeside Road appeared before the Board on behalf of objectors Donald and Linda Purgess residing at 27 Laramie Trail.

Mr. Bryan questioned Mr. McKittrick, if the proposed garage could be located “further back” to avoid the setback variance, Mr. McKittrick responded, *yes*. Mr. McKittrick further stated the location of the garage was chosen to keep possible contaminants or debris from the water body. It would be possible to locate the garage closer to the lake. Locating the garage closer to the lake creates more disturbance on the property including a driveway. The homeowner would like additional outside storage, create a lakeside atmosphere and create a more aesthetically pleasing

and useful yard. The canopy (labeled to be removed) on the plans was part of the calculations when determining lot coverage in the LR zone. Mr. Bryan stated he had obtained a diagram from the health department from 1974 indicating the existing disposal field might be “pretty close” to the proposed garage. In response, Mr. McKittrick stated he had information that predated the 1974 diagram (from year 1965) showing several different locations for apparatus of the system. The homeowner has pre-stated the system has been inspected and in working order. Mr. McKittrick stated if the septic system is encroaching a plan is in place (indicated on the plans as future pressure dose septic system). There are between 5 & 7 houses that face the lake, most with a garage that is attached to a house. Mr. McKittrick noted a parcel (on the opposite side of the street) with a garage only that was granted approval to rebuild the garage without the presence of a home. Most lake properties have the tendency to locate the garage on the street side. The location of the septic is approximate. Soil boring could be done to determine if “something is there”. The side of the garage will face 27 Laramie Trail. The setback will increase by removing the shed and canopy and adding the proposed garage.

With no further questions or comments from the Board, **The Chairman opened the application to the public in accordance with the NJ state public meetings act.**

Mr. Don Purgess stepped forward, raised his hand, was sworn in by the Board Attorney and stated he lives next door to Mrs. DeMarco at 27 Laramie Trail. He has been there over 50 years. The home was purchased by his parents in the 60’s and remodeled in 1974. Mr. Purgess is not aware of previous variance applications for a detached garage on Laramie Trail. Twenty seven (27) Laramie was built with a 2 car garage against the house facing Mrs. DeMarcos house. There is a row of hemlocks along the property line from the road to lake. (approximately 18 feet tall).

The Board Attorney stated the testimony should be directed to zoning.

Mr. Purgess opined the garage would affect the neighborhood negatively. Mr. Purgess stated the canopy located in close proximity to his hemlocks should be removed. This Board does not have authority to determine removal of a canopy or permitting status of mentioned canopy. The Board Attorney directed Mr. Purgess to his objection and the need to state what negative impact granting the variance would have and/or the zoning reason. Mr. Purgess stated the garage would be aesthetically displeasing to the community and would block the air light/open space, he would like the garage to be located further back 20 feet.

Linda Purgess residing at 27 Laramie Trail came forward, raised her hand and was sworn in by the Board Attorney. Ms. Purgess stated she objects to the current plan. Ms. Purgess would like the proposed garage to be set back as flush with the existing structure for symmetry with the street.

Mrs. DeMarco came forward and stated if the proposed garage were attached or located very close to the house she would lose 3 windows on one side.

Seeing no one, Matthew Conlon moved to close the public portion of the application, second by Peter McGuinness.

Yes: Russell Curving, Michael DeJohn, Daniel Jurkovic, Peter McGuinness, Matthew Conlon, Frank Curcio, Arthur McQuaid

No:

As stated by the Chairman, the application proposes a front yard garage. There is a septic system that has been identified that dictates where the garage can be placed. The applicant has agreed to adjust the location of the garage back 20 feet.

A motion was made by Daniel Jurkovic to approve **amended Application ZB 05-22-07**, (amended front yard setback where 40 feet is required, 20 feet is proposed for a one car accessory garage, **second** by Matthew Conlon.

Let the record note accessory lot coverage change - where 3% is required, 1.9 % exists and 3.45% is proposed

A Board member made reference to pictures contained within the Board Planner report where the garage would house the exposed boat and replace the temporary storage in place. The existing buffer appears substantial, no further landscaping was recommended. The Board can grant variances to the general rules when consistent with the master plan. It is common in West Milford lake communities to consider the front of the property to be on the lake side.

As a condition of approval, revised plans must be submitted based on the representation made regarding moving the building back.

Yes: Frank Curcio, Michael DeJohn, Russell Curving, Daniel Jurkovic, Peter McGuinness
Matthew Conlon, Arthur McQuaid.

No:

The Board Attorney described to the applicant the written approval should be memorialized should be ready at the next Zoning Board meeting. There is a 45 day appeal period.

I. NEW APPLICATIONS

JOSEPH & KELLY JACOVINO

ZB 07-22-11

18 Hickory Ave

Block 5615 Lot 5 LR Zone

SEEKING Bulk Variance for front yard setback where 40 feet is required, 14.1 exists and 14.1 is proposed, **side yard** setback where 30 feet is required, 45.7 feet exists and 24.5 feet is proposed for a garage addition with 2 floors of living space.c

Complete: 10/17/2022

Deadline: 02/14/2023

Joseph Jacovino came forward, raised his hand and was sworn in by the Board Attorney. Mr. Jacovino stated he resides at 18 Hickory Avenue. He would like to put a 2 car garage addition on the basement level and an addition of living space on the first and second 2 floors.

Mr. Jacovino called Mr. McKittrick to come forward.

Douglas McKittrick came forward, was sworn in by the Board Attorney and stated, his office is located at 2024 Macopin Road in West Milford, is a licensed engineer from 1982, is a professional planner from 1983 and has been qualified in many municipalities in Passaic and Bergen County as an expert.

Mr. McKittrick stated - Mr. Jacovino has a modest house with outside parking on the corner of Charles Street. The home is 1297 square feet. The home requires expansion to suit the family size. The structure is outdated and the design should be updated. Mr. Jacovino is a merchant marine. There are 2 existing moveable shed less than 100 sq ft, and a patio on the property. Parking is outdoor only on the corner of Charles and Hickory. The parking obstructs traffic Two 'front yards" creates a hardship. The addition proposes a 2 car drive in basement garage and two stories of living space to the North side. The addition will not encroach further on the front yard setback(s). The septic disposal field is uphill from the dwelling, 41 feet from the proposed addition. Septic code requires 25 feet, no required changes except for the relocation of the septic and the pump tank. The property is trapezoid in shape. The property slopes downhill from NW to SE - any structure would have a partially sloped basement due to slope constraints. The footprint is proposed to be expanded with a first floor garage and living space. There will be no additional bedrooms added.

Mr. McKittrick presented pictures of the proposed rendition of the completed addition. The Board clarified the front yard setback will not change. The "front yard" facing Charles Street will not encroach further than the existing setback. The addition will be attached on the Northeast corner moving closer to the neighboring property. The variance is created addressing lot #4 where 30 feet is required and 24.5 is proposed.

The run off from the new roof will alleviate a current water runoff problem.

The Board Engineer (not present) requested a copy of the survey prepared by Bob Jordan. Mr. McKittrick stated the septic tank and septic pump will be relocated as a different project and permitted by the health department.

With no further questions or comments from the Board, **The Chairman opened the application to the public in accordance with the NJ state public meetings act.**

Mr. Dualato stepped forward, raised his hand and was sworn in by the Board Attorney. Mr. Dualanto lives at 26 Hickory, is a neighbor of the applicant. Mr. Dualanto stated he wanted to speak on behalf of the applicant. Mr. Dualanto appreciates Mr. Jacovino for "fixing" the line of sight problem and bettering the neighborhood.

Seeing no one, Matthew Conlon **moved to close the public portion** of the application, **second** by by Peter McGuinness.

Yes: Russell Curving, Michael DeJohn, Daniel Jurkovic, Peter McGuinness, Matthew Conlon,
Frank Curcio, Arthur McQuaid

No:

A **motion** was made by Matthew Conlon to approved **ZB 07-22-11** for the addition of a garage addition and two floors of living space with a **condition** of providing the survey prepared by Bob Jordan and health department approvals, **second** by Peter McGuinness.

Yes: Russell Curving, Michael DeJohn, Daniel Jurkovic, Peter McGuinness, Matthew Conlon, Frank Curcio, Arthur McQuaid

No:

The Board Attorney explained the Resolution should be prepared and memorialized at the next Zoning Board meeting. A forty five 45 day appeal period begins, any prior action taken on the project could result in stop word order.

II. DISCUSSION

III. APPROVAL OF INVOICES

A **motion** was made by Matthew Conlon to approved invoices submitted for approval and **second** by Russell Curving.

Yes: Russell Curving, Michael DeJohn, Daniel Jurkovic, Peter McGuinness, Matthew Conlon, Frank Curcio, Arthur McQuaid

No:

IV. APPROVAL OF MINUTES November 29, 2022

A **motion** was made by Peter McGuinness to approved Minutes submitted for approval and **second** by Matthew Conlon.

Yes: Russell Curving, Michael DeJohn, Daniel Jurkovic, Peter McGuinness, Matthew Conlon, Frank Curcio, Arthur McQuaid

V. COMMUNICATIONS

There was brief discussion about Board members serving on one Board only – Planning or Zoning.

The Board discussed changing the meeting dates from 7:30 to 7:00 pm.

II. LITIGATION

A **motion** was made by Matthew Conlon to Adjourn the Zoning Board meeting of November 27, 2022 and **second** by Peter McGuinness.

All were in Favor: 10:10 PM

The next meeting is scheduled for January 24, 2023

Respectfully submitted,



Pamela Jordan,
Zoning Board Secretary
Approved January 24, 2022