

**TOWNSHIP OF WEST MILFORD  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
May 28, 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, Daniel Jurkovic, Arthur McQuaid,  
*Chairman:* Frank Curcio  
*Secretary:* Pamela Jordan  
*Absent:* Michael Hensley, Peter McGuinness, Daniel Goodsir, Stacy-Ann Webb  
*Also Present:* Stephen Glatt, Esq., Kenneth Ochab, Patrick D. McClellan, P.E., MCB  
Engineering

Five member regular member Board.

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

The Zoning Board Attorney explained to the Board is a seven member Board. A five member Board (present this evening) would require a majority vote to be successful. Each Applicant has the right to request an adjournment until the next month when seven members should be present.

No Applicants chose to request an adjournment at this time.

**I. MEMORIALIZATIONS**

**RESOLUTION 12-2024**

**ZB-11-23-21**

EAST FIFTY-FOUR, LLC.  
9, 15 & 17 Cross Road  
Block 15508 Lot(s) 5, 6 & 10 HC Zone

**Complete:** January 30, 2024

**Decided:** March 26, 2024

**APPROVED**

**USE Variance**

- Expansion of non-conforming use for contractors storage in the HC Zone

**BULK Variances**

- Contractors storage building in front yard
- Accessory Garage exceeding 1500 sq. ft.
- Buffer to a residential use for the principal and accessory uses

**Eligible to vote:** Russell Curving, Frank Curcio, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Arthur McQuaid, Daniel Goodsir

**Motion to Approve:** Daniel Jurkovic

**Second:** Russell Curving

**Roll Call:** Russell Curving, Frank Curcio, Daniel Jurkovic, Arthur McQuaid

**RESOLUTION 13-2024**

**Matthew Russo**

Application ZB-02-24-06  
11 Rutgers Ave

**Complete:** March 27, 2024

**Decided:** April 23, 2024

**Block 6502 Lot 13 R1 Zone**

**APPROVED Bulk Variances**

- Front yard setback 50 ft. required, 40.3 exists, 26 ft. approved
- Side yard setback 30 ft. required, 15 ft. approved
- Building coverage 10% permitted, 13.1% approved

To construct a 14' x 22' 8" garage addition to an existing garage.

**Eligible to vote:** Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Daniel Goodsir

**Motion to Approve:** Daniel Jurkovic

**Second:** Michael DeJohn

**Roll Call:** Frank Curcio, Michael DeJohn, Daniel Jurkovic, Arthur McQuaid

**RESOLUTION 14-2024**

**Alexander Bernardi**

Application ZB-01-24-01

4 Clubhouse Trail

**Block 504 Lot 1 LR Zone**

**Complete:** April 3, 2024

**Decided:** April 23, 2024

**APPROVED Bulk Variances** to construct a two-story, two bedroom, two car garage and to improve Clubhouse Trail to 25 ft. in width up to the driveway entrance to the property.

- Lot width 120 ft. required, 52.8 ft. approved
- Lot frontage 120 ft. required, 74 ft. approved
- Lot depth 150 ft. required, 73.7 ft. approved
- Front yard setback 150 ft. required, 24.7 ft. approved
- Side yard setback (left) 30 ft. required, 25.7 ft. approved
- Rear yard setback 60 ft. required, 25.1 ft. approved

**Eligible to vote:** Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Daniel Goodsir

**Motion to Approve:** Michael DeJohn

**Second:** Daniel Jurkovic

**Roll Call:** Frank Curcio, Michael DeJohn, Daniel Jurkovic, Arthur McQuaid

**RESOLUTION 15-2024**

**Mark Mossey**

Application ZB-01-24-04

22 Dan Jennings Road

**Block 06504 Lot 6 R4 Zone**

**APPROVED Bulk Variances**

- Side yard setback 60 ft. required, 25.1 exists, 23.1 approved
- Side yard setback 60 ft. required, 21.5 exists, 19.5 approved

For a second floor addition

**Eligible to vote:** Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Daniel Goodsir

**Motion to Approve:** Michael DeJohn

**Second:** Daniel Jurkovic

**Roll Call:** Frank Curcio, Michael DeJohn, Daniel Jurkovic, Arthur McQuaid

**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.*

**Nicholas & Giulia Marra**

ZB-02-24-05

1021 Union Valley Road

**Block 7701 Lot 10 R1 Zone**

**SEEKING BULK VARIANCE**

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

**Complete:** April 25, 2024

**Deadline:** August 22, 2024

Nicholas and Gulia Marra were sworn in by the Board Attorney.

The Board Attorney advised the Applicant of the five member Board this evening. An application would need the majority to be successful and has the option to adjourn until the next meeting. The Applicant chose to proceed.

The Applicant stated they would like to construct an addition to the front of their house. The Addition is proposed to add 430 square feet to the single-family dwelling. The existing covered front porch is to be relocated.

The Applicants grown children have moved out of the family home. The Applicant would like to accommodate for large family gatherings and visits. The kitchen is proposed to be expanded and new dining room is proposed. One of the existing bedrooms is to be repurposed into a new home office to accommodate remote working. A new bathroom is proposed on the basement level to accommodate family members and the remaining minor child in the home.

The existing septic is designed for four bedrooms. In a memo dated May 7, 2024, the West Milford Health Department stated no objection to the front yard setback of 37.75 feet. Greater distance from a wood structure is advised for maintenance. The dwelling is to remain a four bedroom home.

In a memo dated April 30, 2024, West Milford Engineering recommended positive drainage away from the addition. The Environmental Commission recommends leaders and gutters into a drywall and no exterior lighting projecting onto adjacent property owners.

Based on R-1 zoning criteria, a variance is required for front yard setback addition where 50 feet is required, 57.1 feet exists and 37.75 exists. The proposed addition does not affect the existing side yard setback dimension and does not exceed the allowable lot coverage.

The Board discussed the nature of the application being basic and straight forward in nature. Changes to the home are to address the changes to the family needs and work conditions. The proposed changes are designed quality of life. The Board finds no detriment or negative impact to the neighborhood. The design is consistent with nearby homes.

**Motion to Approve:** Arthur McQuaid

**Second:** Daniel Jurkovic

**Roll Call**

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

**No**

The Board Attorney described The Resolution would be prepared and memorialized at the next Board meeting, advertised in the paper and the 45 day appeal period after the advertisement.

**Jesse Demers**

ZB-04-24-10

179 Point Breeze Drive

**Block 2601 Lot 30 LR Zone**

**SEEKING BULK VARIANCE**

- Side yard setback, 10 ft. required, 5.93 exists and 5.93/6.93 ft. proposed
- Rear yard setback, 30 ft. required, 20.3 exists, 15.5 ft. proposed
- Lot coverage, 20% permitted, 21% exists, 26.3 is proposed

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

Mr. Demers was sworn in by the Board Attorney.

The Board Attorney advised the Applicant of the five member Board this evening. An application would need the majority to be successful and has the option to adjourn until the next meeting. The Applicant chose to proceed.

Mr. Demers stated he would like to renovate his home with a 2-story addition to the front and rear of his home.

Architect for the Applicant Joseph Cestaro, JCA Architecture & Design from Wyckoff NJ was sworn in by the Board Attorney. Mr. Cestaro is a licensed Architect. His license is current and in good standing. Mr. Cestaro's credentials and experience were accepted by this Board.

Mr. Cestaro described the existing conditions of the lot referencing Plot Plans dated 4-2-24 submitted with the Application.

V-1 The septic and septic field/tank is located in the rear of the property. The well is in the front of the home, the addition is proposed approximately five ½ feet from the well. A new air conditioning unit is proposed on the right side of the home approximately 2 ½ feet from the property line (to the right).

V-2 Existing Demo / Floor Plan – The existing home is two bedrooms on the first floor (bathroom between) with an office and playroom on the second floor. The second floor is approximately 60 square feet, 6 ½ feet in height. The first floor is approximately 750 square feet with a small kitchen/living room and a “ladder” type stair to the second floor. There is an existing small porch located at the rear of the house. The lower level of the house consists of an existing bathroom, mechanical room, playroom, laundry and storage/play area with walk out double doors to the rear of the yard.

V-4 – Proposed Floor Plan – Ground floor, an open layout is proposed with a kitchen/dining room, loving room with a U-shaped set of stair. The sunroom will be enlarged by sunroom 5 feet toward the lake and to the left toward the steps to the back yard. The front ground floor has a closets and a powder room. Two bedrooms are proposed on the second floor, office and bathroom with an open loft and laundry closet. The basement is proposed to be opened as a large play area. The mechanical room and bathroom are to remain intact. A stairway will be added for entry to the basement. The one story addition to the front is a proposed crawl space, no living space.

V-3 describes exterior elevations. Proposed siding windows and accent roofing. The height of the house is proposed at 26 feet.

The side yard setback remains the same

The rear yard setback currently encroaches 10 feet.

The lake easement is about 35 feet.

The addition will remain 50 feet off the water.

Permitted coverage is 750 feet. Proposed is 988, 6.3% over permitted area.

Adding the property in the easement area would negate the lot coverage variance.

The total proposed square footage of the house is 1650 square feet.

The lot is undersized.

The remains 2 bedrooms.

Referencing the Board Planners report dated April 10, 2024, paragraph 2 and 4.

The Planner was not present. The Board Engineer requested the applicant address the air conditioner screening and noise reduction located 2 1/2 feet from the property line

Mr. Cestaro stated screening could be done. The unit is proposed to be a 4 ton unit. A standard unit is approximately 70 decibels in volume.

The does not appear to be an impact on the neighborhood from a Planning and Engineering perspective is d'minimus.

The Applicant has been in contact with the health department to enquire about setbacks.

A lot development plan may be required by the engineering and building department.

The Board Engineer suggested reaching out to the DEP regarding the proximity to the water. The Board Engineer opined the scope of the development would fall within "permit by rule".

The engineering Department recommends grading to direct drainage away from the foundation.

**The Application was opened to the public by the Chairman.**

Charles R came forward stating his address. Mr. R was sworn in stating his address. He stated concern with the location of the AC unit in relation to his home, particularly his bedroom. He has concern for the height of the second floor and maintaining privacy. He works from home.

**The Board Attorney suggested a recess for the parties to discuss the concerns of the neighbor. Both parties agreed.**

The meeting continued after a brief recess.

Mr. Cestaro stated an alternate location of the air conditioner was considered with a similar side yard setback set back toward the rear yard, right of the chimney, behind the propane tanks. The Board requests an updated drawing showing the new location of the AC unit.

Both parties expressed agreement and satisfaction with moving forward with the plan discussed.

The property is 23.75 feet along the roadway and spreads along the lake to 42.74 feet.

Daniel Jurkovic **moved to close** the public portion

**Second:** Arthur McQuaid

All were in favor.

**Motion to approve** by Daniel Jurkovic for a side yard setback, rear yard setback and lot coverage. The easement around the lake provides a considerable amount of property between the property line and lakefront. Upgrading the home improves the neighborhood. The approval is subject to the home remaining two bedroom, the agreement and the revised plans with the new location of the AC unit.

**Second** by Arthur McQuaid

**Roll Call**

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

**II. DISCUSSION**

The Board discussed adding adjacent property be part of the requirements for site plans. The responsibility of the surveyor and the availability of online availability of aerial photographs for approximate setbacks. The Board Engineer stated it was worth entertaining. It was proposed the Board Planner add this suggestion in the next annual report.

**III. APPROVAL OF INVOICES**

**Motion to Approve:** Arthur McQuaid

**Second:** Russell curving

**Roll Call**

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

**IV. APPROVAL OF MINUTES**

April 23, 2024

**Motion to Approve:** Russell curving

**Second:** Michael DeJohn

**Eligible to vote:** Frank Curcio, Michael DeJohn, ~~Michael Hensley~~, Daniel Jurkovic, Arthur McQuaid, ~~Daniel Goodsir~~

**Motion to adjourn 8:36PM:** Russell Curving

**Second:** Arthur McQuaid

**All were in favor**



Respectfully Submitted,  
Pamela Jordan, Secretary  
Zoning Board of Adjustment

Approved July 23, 2024