

**TOWNSHIP OF WEST MILFORD
ZONING BOARD OF ADJUSTMENT
Re-Organization and Regular Meeting Minutes
January 28, 2025
6:30 PM 7:00 p.m.
MAIN MEETING ROOM OF TOWN HALL**

The Re-Organization Meeting was called to order at 6:49 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

The Oath of office was administered by Stephen Glatt, Esq., with raised hand to;
Frank Curcio
Andrena Pegel Alt#2

ROLL CALL

Present: Russell Curving, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel
Chairman: Frank Curcio
Secretary: Pamela Jordan
Professionals: Stephen Glatt Esq., Kenneth Ochab AICP, PP.,
Absent: Peter McGuinness
Patrick McClellan, PE

Nominations for the period ending December 31, 2025

Secretary Nomination – Pam Jordan: Stacy-Ann Webb

Second: Russell Curving

Roll Call: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

Chairman Nomination – Frank Curcio: Stacy-Ann Webb

Second: Arthur McQuaid

Roll Call: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

Vice-Chairman Nomination – Arthur McQuaid: Frank Curcio

Second: Stacy-Ann Webb

Roll Call: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

I. Professional Appointments for the period ending December 31, 2025

Motion to Appoint Board of Adjustment Attorney, **Steven Glatt, Esq.**: Russell Curving
Second: Arthur McQuaid

Roll Call: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

Motion to Appoint Board of Adjustment Planner, **Ken Ochab:** Frank Curcio

Second: Stacy-Ann Webb

Roll Call: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

Motion to Appoint Board of Adjustment Engineer, **Patrick McClellan:** Frank Curcio

Second: Russell Curving

Roll Call: Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

II. Memorialization for the Board Professionals

Resolution No. 1-2025 Board Attorney

Motion to Approve: Michael DeJohn

Second: Daniel Jurkovic

All in favor

Resolution No. 2-2025 Board Planner

Motion to Approve: Michael DeJohn

Second: Daniel Jurkovic

All in favor

Resolution No. 3-2025 Board Engineer

Motion to Approve: Stacy Ann Webb

Second: Michael DeJohn

All in favor

III. Newspaper for advertising

Herald News

Motion to Approve: Daniel Jurkovic

Second: Stacy Ann Webb

All in favor

There was a brief discussion newspapers going strictly virtual. The Board Attorney will look into what this Board will need to do should this happen.

IV. MEETING SCHEDULE

Proposed 2025 meeting dates

Changes;

November 25 date changed November 18

December 23 date changed December 16

Motion to Approve: Frank Curcio

Second: Stacy Ann Webb

All in favor

Motion to adjourn 7:01 PM: Michael DeJohn

Second: Frank Curcio

All were in favor

Eligible to Vote:

Russell Curving, Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

The Regular Meeting was called to order at 7:02 p.m.

LEGAL Notice was read by the Board Secretary

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, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

Chairman: Frank Curcio

Secretary: Pamela Jordan

Professionals: Stephen Glatt Esq., Kenneth Ochab AICP, PP.,

Absent: Peter McGuinness, Patrick McClellan, PE

The Chairman appointed Stacy-Ann Webb as a voting member.

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

The Board Secretary called the first application, Christopher Pandorf. This matter was carried from a previous meeting.

Christopher Pandorf

ZB-08-24-21

1421 Macopin Road

Block 9501 Lot 8.01 R-3 Zone

Complete: October 29, 2024

Extended Deadline: May 27, 2025

SEEKING – USE VARIANCE for an addition and renovation including a 3 apartment conversion. Two, 2 bedroom apartments, one, 1 bedroom apartment in the single family residential zone.

BULK VARIANCE Setbacks and existing non-conformities

Front yard setback 100 feet required, -8 feet/0 feet exist and proposed

Rear yard setback 100 feet required, 12.6 feet exists / 25 feet (addition) proposed

Existing non-conformities to remain the same

Lot size, lot frontage, lot width

Board Member Russell Curving recused himself from the proceedings.
Andie Pegel was appointed a voting member

John Barbarula, Council for the Applicant stepped forward and stated;

Historically, this building had commercial use on the first floor and residential above – believed to be a feed store in the 1800’s.

The property converted many years ago to a two family – the applicant asks the Board to acknowledge the two family has taken the place of the commercial/residential status and to add a third unit with this application.

Mr. Barbarula opined, the residential use suits the location more than bringing a commercial use back.

Christopher Pandorf, Applicant was called to testify. Mr. Pandorf was sworn in by the Board Attorney and stated;

His address is 1421 Macopin Road

He purchased the property in 2005 with the assumption the dwelling was a “two family”.

He lived on the first floor with his family and rented the second floor.

Alterations have been done on both floors of the property with permits from West Milford.

The dwelling has a basement, less than six feet.

An entry in the front for the first floor.

An entry on the side on the first floor with access to the second floor.

An entry in the back of the house that would enter the second floor.

The first floor consists of a two bedroom apartment, kitchen and bathroom.

The second floor consists of a two bedroom apartment with a kitchen, bathroom and utility room with separate utilities.

Mr. Pandorf would like to rebuild the entryway staircase. The staircase is old and steep and does not conform to current codes. The proposed stairs to the second floor would be made wider for ease of movement. A second set of stairs is proposed to the third level for a one bedroom apartment with a bathroom and kitchen.

The structure is wood, built in the late 1700 – early 1800.

The foundation is fieldstone with an area of five foot clearance for a boiler and well pump.

The History of the property suggests it was a feed store at one time and a post office.

The building is not occupied at this time.

Two meters are on the side of the house, believed to have been there for some time.

The electric meters are believed to have been installed in 2005 with updated services.

The building directly behind the property is a single family home. This single family dwelling and parcel was originally part of Mr. Pandorf’s property.

The property is oddly shaped with square footage of nearly 1800 square feet.

Septic is located on the right side (facing the house).

The septic is being designed for an upgrade.

A reverse gable roof is planned for aesthetics and a periodic look.
There was a fire in the basement one year ago and has not been occupied since.
A gas line was discovered that belongs to the property behind Mr. Pandorf's property during digging for a test hole for the septic.
The driveway could be the neighbors.
The attic is rough framing, A-frame shape. The roof is proposed to be removed and rebuilt to accommodate the third floor, square footage is detailed in architect plans.
Mr. Pandorf will not live in the house after renovations.
There is a fire escape planned for the third floor.
The architect has addressed parking and will accommodate for either 2 or 3 unit and will adjust plans accordingly.

Mr. Pandorf stated the house is currently a two family. He would like to increase occupancy to fill a need for housing in West Milford. He does not find there would be a detriment to the community in any way. Prior to a two family was a business – returning the dwelling to its original use would have a greater impact to the community, *in his opinion*.

Stephanie Lyn Swinney from Highland Lakes NJ was sworn in by the Board Attorney. Ms. Swinney stated;
She is a licensed Realtor with Terrie O'Conner Realtors.
She has been licensed for over a year.
Ms. Swinney has been researching the property history and the current state of rentals in West Milford. Ms. Swinney stated she has used such tools as Zillo, NJMLS and more. Her findings show a need for one and two bedroom rentals.
Ms. Swinney was not aware or certain of attic apartments.

Mr. Harry Tuvel, 629 Ridge Court in Ridgefield NJ, Planner for the Applicant was sworn in by the Board Attorney. He is a licensed Engineer and Planner with licenses in good standing. Mr Tuvel was accepted as an expert as a Planner for these proceedings.

Mr. Tuvel stated;
He has viewed the subject property and viewed the Board Planners report.
The structure and property pre-date zoning.
The property is slightly under 18,000 square foot, L shaped lot.
The shape is unique to the neighboring lots.
The home is currently being used as a two family home.
The application is for a D1, *USE Variance*.
There are existing non-conformities for lot area, lot frontage, lot width and rear yard setback.

Positive criteria

The existing 2 family use has existed for an extended period of time, *at least forty years*.
The proposed units would provide five total bedrooms, much like a large single family home.
There are six parking spaces on the property – meeting or exceeding site improvement standards.
The Master Plan use element objective, goal 4, to provide a range of housing opportunities that will encourage lease cost housing and housing geared towards municipal needs.
The commercial use is no longer, this project maintains residential use of the property.

Negative Criteria – substantial detriment to the public good

The USE Variance for the existing two-family is supported with no substantial detriment.
No new BULK Variances are created with the Application.
The proposed renovations will be a major improvement. The property is in disrepair.

A Board member referenced the Board Planners Report dated September 26, 2024 –

“Secondly, the use of attic space is questionable for living units and if approved can stimulate an increase in applications for the use of this space for living purposes. This was not intended by the Master Plan or Zoning Ordinance and raises questions concerning the capacity of the land (well and septic) as well as fire and public welfare issues that could go beyond the type of planned community outlined in the Township planning goals and objectives”.

Mr. Tuvel responding, stated the applicant would bring the area up to code standards, should the third apartment be approved.

The number of attic apartments was unknown.

The meeting was open to the public by the Board Chairman.

Elaine Maxwell 1419 Macopin Road stepped forward and was sworn in by the Board Attorney and stated; She is the house directly behind the applicant’s house.

EXHIBIT OM 1 – A packet prepared by Ms. Maxwell.

Ms. Maxwell stated she did an OPRA request to obtain documents in the packet. Photographs were taken by Ms. Maxwell.

The Applicants Attorney stated he had issue with the packet being distributed to the Board without his prior preview. Documents are public records of alleged violations with no conclusion. Mr. Barbarula had no objection to testimony regarding photos taken. Introducing documents to be made part of the record the Board is bound by rules of evidence. Mr. Barbarula asked documents be retrieved from Board members for review.

The Board Attorney requested all packages be given back. Mr. Barbarula and the Board Attorney will review the documents and question relevance.

7:58 PM - The Board Attorney requested a 10 minute break.

8:06 PM – The meeting was called to order

Mr. Barbarula, The Board Planner and the Board Attorney stated they reviewed the packet.

The Board Attorney determined for the sake of relevancy – a good deal of the documents would not add value to the issues that are before the Board related to zoning. Pictures taken by Ms. Maxwell may be addressed.

(Revised) EXHIBIT OM 1 – contains photographs and the top sheet (a section of the tax map that includes the parcel).

Ms. Maxwell stated the tax map was part of the packet to demonstrate how the Applicants property wraps around her property. Ms Maxwell further stated;

She bought her house in 1993.

To her knowledge the downstairs of 1421 was not a business or commercial store.

The owner did some work on the property, two apartments were established.

Ms. Maxwell does not recall getting notice.

The Board may consider how long the house has been a two-unit dwelling, should the Board legitimize 2 units as existing in a 1 family zone, should be Board allow a third unit. The Application is not to be based on neighbor disputes or

The Board Attorney stated the appropriate township officials were seemingly notified of violations, appropriate departments would be responsible or following through and remediation. This Board is concerned with zoning.

Ms. Maxwell was instructed to explain how a two or three unit home would impact her home.

Ms. Maxwell stated the applicant's property has not been maintained obstruction views. Exiting her driveway is a visual impairment. The condition of the property brings down the value of her property.

A Board stated the Applicant is proposing to improve the property.

The Board Planners report was referenced concerning intensity of use – concerning the number of cars.

“The second prong of the negative criteria is for the applicant to show that the granting of the use variance will not substantially impair the zone plan or ordinance. Here the issue is one of density and intensity of use. The lot is undersized and the placement of a three-family use on the site raises the density of the project to 7.3 dwelling units per acre. This is compared to the zoning requirements that allow 0.33 dwelling units per acre. This application results in a project that is 22 times the allow density”.

Ken Ochab, Board Planner
September 26, 2024

Ms. Maxwell is concerned with maintenance of the property.

The Board Attorney reminded Ms. Maxwell the Board makes a decision on the application – granted or denied. If granted conditions can be included. Conditions can be enforced through the appropriate departments.

Mr. Barbarula withdrew the third one bedroom attic unit from the application.

Parking shall be fieldstone, gravel and paved the first 10 feet

The gables will remain.

No bathroom, kitchen or plumbing will be added to the attic space.

The stair case will be replaced with a “pull down” for access.

A trash enclosure with a lid will be added.

Ms. Maxwell stated, Mr. Pandorf had two tenants at time of the fire and was not living at 1421 Macopin as stated in his testimony.

No other person present came forward to speak to this application.

Seeing no one, Arthur McQuaid moved to close the public portion of the meeting.

Second, Stacy-Ann Webb

Mr. Barbarula in closing stated, the application benefits the applicant and the municipality. The property has been used as a two family on a unique property. It is appropriate to acknowledge the pre-existing use. Bulk variances exist and will remain unchanged. The positive and negative of municipal land use has been established by testimony.

The Board Planner requested a revised Site Plan to incorporate the changes

- Six foot, neutral color fence along the property line
- Interior staircase to the third floor to be removed, replaced with pull down access
- Define (fieldstone) the driveway location, adding gravel, pave approximately 10 feet to eliminate gravel spill on Macopin Road.

- o Deed documenting restriction of third floor living space

The application was re-opened to the public to address additional discussion from the Board and Professionals.

Ms. Maxwell came forward to clarify the footprint of the dwelling.

The Board Planner clarified the change due to the staircase added to the west/front of the house.

Seeing no one, Stacy-Ann Webb moved to close the public portion of the meeting.

Second, Arthur McQuaid

During discussion the Board mentioned the pre-existing non-conforming use, as a two unit dwelling has been in existence for many years.

Motion to approve: Arthur McQuaid the application for 1421 Macopin Road as described based on testimony provided and concessions made to include the deed restriction and conditions outlined. Bulk Variance for the side yard changes from 91.3 ft to 88.6 proposed. Plans to be revised and presented before the reading of the Resolution

Second: Stacy-Ann Webb

Roll Call:

Yes: Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

No:

Recused: Russell Curving

Vincent Lanza/Environmental Construction

Carroll Holdings, LLC

ZB-08-24-25

12 Wood Street

Block 12110 Lot 3.01 Zone -R2

SEEKING BULK Variance for construction of a new single family dwelling

Lot Frontage 75 feet required, 0 feet proposed and existing.

Complete: December 19, 2024

Decided: January 28, 2025

Vincent Lanza 40 Forest Lake Drive, Hewitt was sworn in by the Board Attorney.

Mr. Lanza stated;

The property had frontage on Inwood Road since 2004 as stated on the township tax maps and deed.

A person purchased property "below" produced a survey over lapping Inwood Road to the property line.

He disputed the survey with the title company.

He created a right of way from a parcel on the other side of the lot(s) to allow access to the now landlocked parcel.

The right of way is, "*basically*", a continuation of Fieldstone Road, the dirt road that goes to the property.

The proposed house is conforming with zoning code except for lot frontage.

Wood Street and Fieldstone Road are gravel Roads.

Septic beds are installed on this property and the other parcel that is landlocked.

Both sides of the easement are owned by Mr. Lanza.

The easement has been recorded.

The right of way is designed to allow trucks to pass.

The Board Planner stated the application was straight forward, he was satisfied with testimony.

The application was opened to the public.

Seeing no one, Arthur McQuaid moved to close the public portion of the meeting.
Second, Stacy-Ann Webb

Motion to approve: Stacy Ann Webb.
Second: Michael Hensley

The Board Attorney stated the Resolution should be ready at the February 25, 2025 meeting. The matter will be advertised by the Board Secretary. At this time a 45 day appeal period begins.

Roll Call:

Yes: Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

No:

Allison Hosford & Roger Knight

ZB-12-24-31

75 Otterhole Road

Block 12501 Lot 13 R-4 Zone

BULK Variance for the addition of a 10 ft x 40 ft deck addition to *open* construction permit #24-0684 (approved variance for garage/studio)

Side yard setback 30 ft required 10 ft proposed

Complete: December 19, 2024

Decided: January 28, 2025

Ms. Hosford, 176 Weaver Road was sworn in by the Board Attorney. Ms. Hosford stated;

The application is for the addition of a deck to a previously approved garage only.

During construction a decision was made to add a second floor deck.

The original approval was for the building only – not a deck.

The previous application identified an imaginary line between the two parcels owned by the applicant on a very large parcel of land.

The Board Planner stated the only impact would be to the Applicant.

The application was opened to the public.

Seeing no one, Stacy-Ann Webb moved to close the public portion of the meeting.

Second: Michael Hensley

Motion to approve: Stacy Ann Webb.

Second: Daniel Jurkovic further stating, the same reason for the garage approval carries with the deck on the garage. A parcel within a 300+ parcel of land.

Roll Call:

Yes: Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

No:

The Board Attorney stated the Resolution should be ready at the February 25, 2025 meeting. The matter will be advertised by the Board Secretary. At this time a 45 day appeal period begins.

Robert Searle

ZB-10-24-26

119 Apple Tree Lane

Block 16504 Lot 9 R-4 Zone

SEEKING BULK Variance for a new accessory structure/garage.

Complete: December 19, 2024

Deadline: January 28, 2025

Front yard setback 125 feet required/30 feet proposed
Side yard setback – 50 feet required/5 feet proposed
Lot Coverage 3% (3000 sf) permitted 4/1% (720 sf) proposed
Existing nonconforming conditions - Lot area & Lot depth

Mr. Searle, 119 Apple Tree Lane was sworn in by the Board Attorney. Mr. Searle stated;
He would like to build a garage.
The garage is proposed for storage.
He is a mechanic and has mechanic hobbies.
The location is the only open area to build the garage and partially cleared.
There is vacant property on the side of the proposed garage.
The vacant property has an easement for a driveway to his neighbors.
Greenwood Pond is located cross from Apple Tree Lane.
He would like to clean up the property from the tarp shed.
The flooring has not been determined.
Behind the parcel is Newark Watershed property.
He would like to add electric to the garage.
No plumbing is proposed.

The Board Planner stated the application is for a classic C2 variance request.

Seeing no one, Stacy-Ann Webb moved to close the public portion of the meeting.

Second: Michael Hensley

Motion to approve: Stacy Ann Webb.

Second: Daniel Jurkovic further stating, the same reason for the garage approval carries with the deck on the garage. A parcel within a 300+ parcel of land.

Roll Call:

Yes: Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

No:

The Board Attorney stated the Resolution should be ready at the February 25, 2025 meeting. The matter will be advertised by the Board Secretary. At this time a 45 day appeal period begins.

Joseph & Doris Levitski

ZB-11-24-28

15 Ryan Court

Block 8903 Lot 20 R-2 Zone

SEEKING BULK Variance for a 6 ft x 18.3 ft expansion to the a single family home.

Rear yard setback 60 ft required, 41 ft exists, 35 ft is proposed.

Complete: December 20, 2024

Decided: January 28, 2025

Mr. Joseph Levitski, 15 Ryan Court was sworn in by the Board Attoney. Mr. Levitski stated;
He would like to do an addition on his house to enlarge the kitchen.
There is no available land to purchase to alleviate the need for this variance.
The addition will extend the home 6 feet.
Mr. Levitski referenced photos, submitted with the application showing the small kitchen.
He has lived in this house 7 years.
The rear yard is fenced in.
The existing kitchen (approximately) is 17 x 15 feet.

The Board Planner corrected the rear yard setback request 33.5 where 60 feet is required. The house is not parallel to the property line.

The applicant shall bring 9 sets of the revised plans for the Boards signature.

The Board stated the application is very straight forward. The back of the house is flat, the addition will add aesthetically appealing, adding contour.

Seeing no one, Arthur McQuaid moved to close the public portion of the meeting.

Second: Michael DeJohn

Motion to approve: Stacy Ann Webb.

Second: Daniel Jurkovic further

Roll Call:

Yes: Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Stacy-Ann Webb, Andie Pegel

No:

The Board Attorney stated the Resolution should be ready at the February 25, 2025 meeting. The matter will be advertised by the Board Secretary. At this time a 45 day appeal period begins.

Andy Sanchez

PEREIRA JOSE & GUEVARA MARIA ET ALS

ZB-11-24-29

23 Oakridge Road

Block 15804 Lot 10 CC Zone

SEEKING BULK Variance for a 7 ft x 16 ft addition to an existing 16 ft x 30 ft accessory building with an existing 8 ft x 16 ft shed (to the rear).

Side yard setback- 25 ft required, 5 ft exists & proposed (addition)

Distance to other buildings – 20 ft required 4 ft exists & proposed (addition)

Setback from pool – 10 ft required 4 ft exists & proposed

Complete: December 20, 2024

Deadline: April 19, 2025

The Board Attorney explained the Board, this applicant did not meet the publication timeline required by MLUL. The Applicant is required to re-notice. This application will be placed on the February 25, 2025 Agenda.

I. APPROVAL OF INVOICES

Motion to Approve: Stacy-Ann Webb

Second: Daniel Jurkovic

All in favor

II. APPROVAL OF MINUTES

December 17, 2024

Motion to Approve: Daniel Jurkovic

Second:

Eligible to vote: Russel Curving, Frank Curcio, Michael DeJohn, Arthur McQuaid, Daniel Jurkovic, Peter McGuinness, Stacy-Ann Webb

Roll Call:


Yes: Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Stacy-Ann Webb

Motion to adjourn 8:22 PM: Stacy-Ann Webb

Second: Michael DeJohn

All were in favor

Respectfully Submitted,
March 25, 2025


Pamela Jordan, Secretary
Zoning Board of Adjustment

Eligible to vote:
Frank Curcio, Michael DeJohn, Michael Hensley, ~~Daniel Jurkovic~~, Arthur McQuaid, Stacy-Ann
Webb, Andie Pegel