

**TOWNSHIP OF WEST MILFORD  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
March 26, 2024**

**7:00 p.m.  
MAIN MEETING ROOM OF TOWN HALL**

The meeting was called to order at 7:08 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:* Michael DeJohn, Michael Hensley, Daniel Jurkovic, Arthur McQuaid Peter McGuinness, Daniel Goodsir  
*Chairman:* Frank Curcio  
*Absent:* Russell Curving, Stacy-Ann Webb  
*Also Present:* Stephen Glatt, Esq., Kenneth Ochab, Kenneth Ochab Assoc., LLC Patrick D. McClellan, P.E., MCB Engineering

Alternate Daniel Goodsir was appointed voting member for this meeting.

The Board Chairman greeted the Board and went over the introduction and guidelines the Board follows.

**I. MEMORIALIZATIONS**

**RESOLUTION 08-2024**

**ZB-12-23-21**

**NEIL GALLI**

47 Lake Park Terrace  
Block 4201 Lot 13 Zone LR/R-10

**SEEKING**

**BULK VARIANCES** to construct a 1 1/2 story, two car garage  
Front yard setback (not permitte4d) .8 ft. proposed  
Side yard setback (south/left) 10 ft. required, 3 ft. proposed  
Side yard setback (north/right) 10 ft. required, 8.1 ft. proposed

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

**Motion to Approve:** Peter McGuinness

**Second:** Arthur McQuaid

**Roll Call:** Frank Curcio, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Arthur McQuaid, Daniel Goodsir

**Complete:** February 7, 2024

**Decided:** March 26, 2024

**RESOLUTION 09-2024**

**ZB-01-24-02**

**CHRIS CERVERIZZO**

807 East Shore Road  
Block 4401 Lot 22 Zone LR

**APPROVED**

**BULK VARIANCES** to construct5 a 12.5 ft. x 30 ft. game room addition

**LR ZONE**

Side yard setback 30 ft. required, 7-3 proposed  
Rear yard setback 60 required, 30 ft. proposed

**R10 ZONE**

Side yard setback 10 ft. required, 7-3 proposed  
Rear yard setback 30 required, 30 ft. proposed

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

**Motion to Approve:** Peter McGuinness

**Second:** Arthur McQuaid

**Roll Call:** Frank Curcio, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Arthur McQuaid, Daniel Goodsir

**Complete:** February 8, 2024

**Decided:** February 27, 2024

## **I. NEW APPLICATIONS**

### **ZB 05-23-09**

Allison Hosford & Roger Knight  
75 Otterhole Road  
SEEKING

**Amended Site Plan** for application ZB 05-23-09 reducing ground disturbance as described in Resolution 16-2023

The Board Attorney addressed the Board explaining this matter was previously before this Board. An issue with one of the conditions of approval regarding ground disturbance.

The Board Engineer addressed the Board stating the Applicant submitted an updated plan with two noteworthy changes.

The approved area of disturbance has been reduced to be under 5000 square feet and now falls under the threshold of jurisdiction for the Hudson Essex Passaic Soil Conservation District and does not require certification.

The previously approved storm water management plan on the map submitted has been removed. After further discussion it was determined the tract of land is very large in size. The land will do the “job” of any drywell.

The Board Engineer stated he was in agreement that the drywell system would not be required. There is no impact on any surrounding properties.

Allison Hosford was sworn in by the Board Attorney. She resides at 176 Weaver Road. Ms. Hosford adopted by reference the statement made by the Board Engineer.

The matter was opened to the public.

**Seeing no one** Peter McGuinness moved to close the public portion

**Second:** Michael Hensley

**Motion** as outlined by the Board Engineer testimony to remove two conditions from Resolution 16-2023, disturbance of under 5000 square feet and removal of the need for a drywell by Peter McGuinness.

**Second:** Russell Curving.

**Roll Call:** Russell Curving, Frank Curcio, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Arthur McQuaid, Daniel Goodsir

### **Prior Roll Call for Resolution 16-2023**

**YES:** Frank Curcio, Michael DeJohn, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Arthur McQuaid, Stacy-Ann Webb

Returning from a break the Board Attorney stated the following.

To expedite the approved changes to the Resolution 16-2023 the following language was added at the end of Resolution 16-2023;

*\*Amended Resolution dated March 26, 2024, the Board having heard a request to eliminate the drywell system and reduce the area of disturbance to 4760 square feet, hereby modifying the approval of the aforesaid Resolution.*

Map date 2/12/2004 by Map Engineering

**Motion to approve:** Peter McGuinness

**Second:** Russell Curving

Roll Call: Russell Curving, Frank Curcio, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Arthur McQuaid

### **ZB-11-23-21**

EAST FIFTY-FOUR, LLC.

9, 15 & 17 Cross Road

Block 15508 Lot(s) 5, 6 & 10 HC Zone

SEEKING

**USE** Variance

- Expansion of non-conforming use for contractors storage in 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

**Complete:** January 30, 2024

**Deadline:** May 29, 2024

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

The Applicant was going to clean up the site by removing a free standing residential unit, *house*. The Applicant has a lease with the watershed. The equipment will be moved from the area.

The site has been used commercially for many years with a residential home and apartment. The Applicant proposed to remove the home, add commercial storage and pole barns to store equipment.

Mr. Barbarula introduced Tyler VanderValk, consultant for Houser Engineering, Ringwood NJ. The Board Attorney swore in Mr. VanderValk. Mr. VanderValk was qualified as an expert in Engineering. His license is current and in good standing he has testified before approximately 60 Boards.

Mr. VanderValk stated he is familiar with the site and proposed development.

Providing an oversite of the project, stating:

The Plans dated October 23, 2023 (*stating last year*). The plans have not been revised.

**Sheet 2**, Existing Conditions and Site Preparation.

The site location is on Cross Road, NE of the Rat 23 intersection with Cross Road.

The property contains 3 lots. (5, 6 & 7) the bulk of the property. Lot 10 portion is a smaller back corner.

The Applicant seeks to merge the lots.

There are two access drives off of cross Road. The access is described as narrow and considered substandard for two way access. Circular access exists around the site with gravel and in various conditions.

Two single family homes exist close to Cross Road and one additional single family home is located in the back left corner. The Applicant proposes to demolish the three nonconforming, single family uses.

Garage(s) exist in the center of the property and are used for commercial purposes.

An additional garage exists at the back right corner.

Building C contains a 1 bedroom apartment to remain.

**Sheet 3**, Proposed Improvements

Three new pole barn style structures are proposed, two in the front 45' x 80' located farther north and 40' x 90' located south. A third structure is proposed toward the back of the property 35' x 145'. All structures will be independent units and may be leased or rented with a garage bay door. The existing buildings will remain and maintain their current use. No water and sewage are proposed. Existing narrow driveways are proposed to be removed. Ingress and egress is proposed centered on the frontage of the property and will provide access to the buildings to be constructed. A new septic is proposed at the northeasterly corner (near Cross Road) to serve the remaining apartment and one commercial space in the center building. Mr. VanderValk and Mr. Barbarula stated the septic plan was recently approved. Seepage pits are proposed to collect drainage runoff. Additional pits may be added if needed to satisfy West Milford Engineering comments.

Evergreen screening is proposed on the face of the building with road visibility with more screening and landscaping is proposed north of the buildings. Referencing a report from the Board Planner – Additional screening to the south would be provided and “worked out” with the Planner. The proposed over all changes will clean up the property with new buildings, pavement and landscaping. All new buildings are shown to be compliant with all setback requirements. The rear building requires an oversized accessory structure variance. Parking provided for 10 parking spots behind the existing main building. Pavement between the buildings provides space that will not interfere with use of the property. An undeveloped natural buffer exists between Rat 23 and the property.

Responding to the Board Planner, Mr. VanderValk stated the encroachment on the watershed property has been removed. The existing sign is located on an island like piece of property owned by Newark Watershed.

Applicant, Henry Finke of West Milford was sworn in by the Board Attorney. He stated Ralph Lanzo had a mulch yard on property leased from the Watershed. The property is located on Cross Road. There is a sign that belongs to the previous tenant on this property. Mr. Fink has equipment on this property, to be removed. Mr. Fink stated he will work out landscaping screening with the Board Planner on the southwest corner of the lot. The property to the north with access (Watershed property) contains mulch from the previous business owner and equipment owned by the Applicant.

The Board Attorney stated, if the Application is approved the Board is not granting any type of permission to use or utilize Watershed property. A condition may be imposed to clarify the Boards position.

Mr. Finke stated he is a 50% owner of East Fifty Four, LLC and his brother is a partner. He states as the managing member of the LLC and handling the application. Mr. Finke stipulates he is

moving all of his equipment and agrees to remove all of the other debris, mulch and construction material to facilitate the redevelopment of the property.

The Board Planner stated he would like to see a landscape plan (prepared by the Applicants Engineer) within 45 days if the application is approved for his review and recommendations as outlined in the Planners report.

Planner for the Applicant, Harry Tuvel from Ridgefield NJ was sworn in by the Board Attorney. Mr. Tuvel stated is a licensed professional engineer and planner in the state of the NJ. He has testified before many Boards. Mr. Tuvel is testifying as a Planner and accepted as an expert.

Mr. Tuvel stated the property is located in the HC Zone. Contractor storage is an existing nonconforming use. The variance sought is a D2 request. The existing nonconforming residential use to be demolished except for the apartment. The landscaping and new access will improve the site visually. Mr. Tuvel states he sees no detriment to the site.

The Board Planner stated, criteria for a D2 Variance comes from a decision known as the Berbridge Decision. The Board can approve a use variance if there are improvements to the existing nonconforming use. Properties on two sides are owned by the City of Newark with no impact.

Outside storage between building G and proposed building H will be for contractor equipment or motorhomes. The space between buildings is approximately 29 feet. The space is not intended for permanent outdoor excess material storage. The Board Attorney stated the outdoor space should remain aesthetically pleasing and not impose a danger or potential danger.

The Board Planner stated a solution to the storage would be to label the nondescript “white area” outside the pavement (rear yard) as lawn area and would not be for storage.

Revised plans showing more drainage and labeling the white area and landscaping and proposed improved septic.

The Chairman opened the Application up to the Public.

Seeing no one, Peter McGuinness moved to close the public

Second: Arthur McQuaid

All were in favor

In closing Mr. Barbarula stated the Application proposed is a vast improvement. There is no negative impact. The property is surrounded on three sides by Newark Watershed property that will not be developed.

The Board Engineer stated the drainage needs to be taken care of as a condition of approval with a revised plan should the Board find the application to be acceptable.

The Board Planner stated the Applicant has satisfied his questions and addressed the landscaping.

Mr. Barbarula requested any motion made include the Site Plan with this Application under the advertisement of any all other variance requested. The extension of the nonconformity and the Site Plan as requested with the Application.

Discussion – A motion should include should include landscaping and additional drainage. The property falls within the commercial zone. The proposed application will be an improvement to the area and to the township. The Board Planner provided testimony to the improvements of the property siting the Berbridge decision, where the Board can approve a use variance if there are improvements to the existing nonconforming use. The Applicant has agreed to landscaping and added drainage.

**Motion to Approve:** Peter McGuinness

**Second:** Michael Hensley

**Roll Call:** Russell Curving, Frank Curcio, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Arthur McQuaid, Daniel Goodsir

**ZB-11-23-22**

Mark Roeloffs

86 Point Breeze Drive

Block 2602 Lot 8 LR Zone

SEEKING

**BULK** Variance

- Side yard setback, 10 ft. required 7.6 ft. proposed for an addition to an existing dwelling.
- Front yard setback on Pt. Breeze

Applicant Mr. Mark Roeloffs of Ridgewood, NJ stepped forward and was sworn in by the Board Attorney. Mr. Roeloffs stated he is the owner of the property at 86 Point Breeze Drive. Mr.

**Complete:** February 26, 2024

**Decided:** June 25, 2024

Roeloffs stated he wanted to put an addition to the lake house. Part of the renovation to the house is a staircase on the outside of the house. The staircase triggers a side yard setback. There is not available land to purchase that would eliminate the need for the variance. The opposite side of the house due to the location of the septic. The size of the lot is 60 feet wide and 100 ft deep. The house is 20 ft x 25 ft. The lot is undersized and sloped down to the lake. The front of the house is proposed to be extended approximately 7 1/2 feet extending the kitchen and living room with an entry door, porch and a set of stairs to the front of the house and steps to the porch to the side. The pitch of the roof will change. The second floor will not change at this time. Three bedrooms are permitted. The property "goes from" Point Breeze Dr. all the way to Clayton creating two front yards.

The Board Planner stated there is an existing buffer of evergreen trees on the side where the applicant is requesting the variance.

Discussion – the variance is straight forward and somewhat de minimus. The addition will be an improvement to the property. The home is small and expanding brings it up to what the community is becoming. The septic restricts expansion.

The Board Chairman opened the Application to the public.

Seeing no one Peter McGuinness moved to close the public portion  
Second: Arthur McQuaid

**Motion to approve:** Peter McGuinness

**Second:** Arthur McQuaid

**Roll Call:** Russell Curving, Frank Curcio, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Arthur McQuaid, Daniel Goodsir

The Board Attorney explained the Resolution should be ready at the next meeting for memorialization and the 45 day appeal period. Starting any work prior could be stopped if by anyone. Appeals are heard by Superior Court.

**ZB-02-24-03**

Wayne Rowe  
22 Vreeland Road  
Block 9001 Lot 19 R2 Zone

**SEEKING**

**BULK Variance**

- Side yard setback (left)- 40 ft. required, 35.3 exists, 13.9 proposed for the construction of a garage addition with a bedroom to the existing dwelling.

**Complete:** March 8, 2024

**Decided:** March 26, 2024

Applicant Mr. Wayne Rowe was sworn in by the Board Attorney. Mr. Rower is the owner of the property 22 Vreeland Road. Mr. Rowe stated; The house is a three bedroom, single family dwelling without a does not have a garage. The Application proposes a two car garage to store cars and equipment. The second floor is for a bedroom and office. Mr. Rowe and Mrs. Rowe currently work hybrid and need office space. A downstairs bedroom will be converted to an office. A large bedroom and second office will be on the second floor of the addition. The property back to Bubbling Springs. The property is rectangular in shape.

The proposed garage is shown as connected to the house.

Most of the homes in the neighborhood have a garage.

The closest neighbor is approximately 30 -40 feet from the property line with existing tree buffer.

The septic is in the front of the house. The well is located in the back of the house.

The garage is proposed on the side of the house with the driveway.

Constructing the garage on the opposite side yard would also require a variance.

The opposite side has an above ground oil tank, air conditioner unit and generator.

The Board Planner stated the homes in the neighborhood were separated and had sufficient buffer between the homes and a fence or additional trees would not be necessary or desirable to the neighborhood.

The Board Engineer stated the information submitted was sufficient for the Board to review the Variance. The Board and Township Engineer both commented to supply topography and a grading plan stating that it could be a condition of approval if the Board chose to approve the Application.

The applicant stated the door and closet door to the bedroom (converting to office) would be removed.

The Board Chairman opened the Application to the public.

**Seeing no one** Peter McGuinness moved to close the public portion

**Second:** Arthur McQuaid  
All were in favor

**Motion to approve:** Daniel Jurkovic  
**Second:** Russell Curving

**Roll Call:** Russell Curving, Frank Curcio, Michael Hensley, Daniel Jurkovic, Peter McGuinness, Arthur McQuaid, Daniel Goodsir

The Board Attorney explained the Resolution should be ready at the next meeting for memorialization and the 45 day appeal period. Starting any work prior could be stopped if by anyone. Appeals are heard by Superior Court.

The Board Engineer indicated if there was a condition of approval, the applicant file a lot development plan with the engineer department.

## **II. APPROVAL OF INVOICES**

**Motion to approve:** Peter McGuinness  
**Second:** Russell Curving  
All were in favor

## **III. APPROVAL OF MINUTES**

February 27, 2023

**Motion to approve:** Peter McGuinness  
**Second:**  
All Eligible to vote in favor

Motion to Adjourn: Arthur McQuaid  
Second: Russell Curving  
All were in favor  
9:08 P.M.



Respectfully Submitted,  
Pamela Jordan, Secretary  
Zoning Board of Adjustment

Approved March 26, 2024

**Eligible to vote:** Michael DeJohn, Michael Hensley, Peter McGuinness, Daniel Jurkovic, Frank Curcio, Arthur McQuaid, Stacy-Ann Webb, Daniel Goodsir