

**TOWNSHIP OF WEST MILFORD  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
February 27, 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) 728-2796.

**PLEDGE was recited**

**ROLL CALL**

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

Alternates Stacy-Ann Webb 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 06-2024**

**ZB-11-28-18**

**SLATER PROPERTIES LLC**

1045 Macopin Road

Block 14402 Lot 3 Zone R-4

**APPROVED USE Variance**

- Expansion of non-conforming USE

**APPROVED BULK** Variances for construction of a one story garage addition to the existing primary building for storage and rental equipment.

- Front yard setback – 125 ft. required, 50.9 ft. exists, 50.4 ft. proposed
- Side yard setback – 60 ft. required, 52.76 exists, 30 ft. proposed
- Buffer to residential zone (S) 50 ft. required, 52.72 exists, 30 ft. proposed

**Motion to Approve:** Arthur McQuaid

**Second:** Daniel Jurkovic

**Roll Call:**

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

**No:**

**Abstain:**

**Complete:** December 15, 2023

**Decided:** January 23, 2024

**RESOLUTION 07-2024**

**ZB 11-23-19**

**CHIDO LLC**

665 Warwick Tpk

Block 905 Lot 18 Zone LR

**APPROVED USE Variance**

- Expansion of non-conforming USE

**APPROVED BULK** Variances for;

- Rear yard setback proposed addition - 60 ft. required, 8.9 ft. exists, 10 ft.
- Buffer to residential Use along rear - 35 ft. required, 10 exists, 10 ft. proposed

To add a 194 sq. ft. attached walk-in refrigerator at the rear of an existing building and convert the interior to a sit down restaurant.

**Motion to Approve:** Stacy-Ann Webb

**Second:** Daniel Jurkovic

**Roll Call:**

**Complete:** January 8, 2024

**Decided:** January 23, 2024

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

**No:**

**Abstain:**

The Board Chairman stated the meeting would deviate from the Agenda to discuss a bulk Variance Application. The Board Attorney explained Application ZB 05-23-09 was placed on the Agenda for discussion. The approved matter was memorialized under Resolution 16-2023. The Applicant wishes to amend the approval to remove a condition imposed by the Board. The original approved plan exceeded 5000 sq. ft. of disturbance and included a dry well design. The drywell was prepared in strict conformance of the requirements for over 5000 sq. ft. of disturbance. A revised plan has been prepared reducing the disturbance to under 5000 sq. ft. The revised plan would alleviate the Applicant from going to the Soil Conservation District for a permit for land disturbance. The tract of land is very large. The runoff created by the extra impervious cover will not have an impact. The revised plan removes the drainage system. The Board Engineer stated he would not object to removing the requirement. An amended decision could be granted. The Applicant must notice for the next meeting date of March 26, 2024. A new application fee is not required. Additional Escrow is required.

**Motion** to waive a second Application fee by Daniel Jurkovic

**Second:** Peter McGuinness

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

## **II. NEW APPLICATIONS**

**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 permitted) .8 ft. proposed

Side yard setback (south/left) 10 ft. required, 3 ft. proposed

Side yard setback (north/right) 10 required, 8.1 ft. proposed

Accessory Coverage

**Complete:** February 7, 2024

**Deadline:** June 6, 2024

Mr. Galli and Brian Murphy stepped forward, were sworn in by the Board Attorney. Mr. Galli resides in New City. Mr. Murphy Architect, stated he has an office on Cahill Cross Road, provided his credentials for the Board. Mr. Murphy was accepted as an expert.

Mr. Galli stated he would like to build a 2 car garage with a storage loft at his home located at 47 Lake Park Terrace. He and his wife plan to move to 47 Lake Park Terrace full time in the near future for a 2400 sq. ft. home. The addition is needed for storage. The Galli's are downsizing to 1600 sq. ft. The house does not have a basement. The garage will be for storing their 2 cars. The cars are garage kept in Rockland County. No plumbing is proposed in the garage. Houses on the street have similar garages. The proposed garage is across the "paper street" street from the dwelling. The lake is in the "backyard".

Mr. Galli stated he located paperwork for an approved garage from the previous owner approximately 20 years ago. The garage was not built. The new application is similar but smaller and a lower height.

The Board Planner stated there are two Lake Park Terrace's, Upper and Lower. The Upper is the public road. The lower road is the access driveway along the lakefront to the homes and to the garage. There will not be vehicular traffic from the public street. There is not an easement or right of way. The garage is across the road. The West Milford Tax department shows the parcel as 1 property on the tax map. Setbacks should not be measured from the driveway access.

Mr. Brian Murphy stepped forward as witness for the Applicant. Mr. Murphy stated, the topography was recently completed.

**EXHIBIT A1** – Topography with contours.

The previous submitted plans are the same, an additional contour page added.

The Applicant is proposing a 20 ft. x 20 ft. 2 car garage, 400 sq. ft. The property was subject to an application for a detached garage in "basically" the same location approximately 20 years ago. That garage was approved for a 20 ft. x 24 ft. garage. The height of the new garage is lower in height and smaller in size.

The existing house on the south side (closer to the lake) is 2.8 ft. from the property line, proposed with the garage 3.0 ft. from the property line. Moving closer to Lake Park Terrace the measurement from the property line is 4 ft. The north corner of the proposed garage is .8 ft. from the property line. The south side to Lake Park Terrace measures 2.88 ft from that property line.

**Referencing page A2- Elevations**

The plans have been corrected to show the contour line of the grade. The grade slopes up from the front of the garage toward Lake Park Terrace. The majority of the sloping grade is located in the right of way, off the property. Town code does not require extra drainage or drywells. The garage is strictly for storage. The design is cottage style and will enhance the streetscape. The exterior stair is to access the storage space.

The Board Planner made one correction to his report to include the variance for the accessory building coverage – including the new coverage is 6.15% where 3% is permitted.

Variances would include accessory structure in the front yard and both side yard variances and accessory building coverage.

The Board Engineer stated he was satisfied with the testimony.

A memo from the West Milford Township Engineer suggests drainage be directed away from the building and not to the neighbors.

A memo from the West Milford Township Health Department was discussed. The Board Engineer weighed in stating the criteria that impacts septic systems is the number of bedrooms not bathrooms. This is a separate structure without a bedroom. The plans shows the septic system is located in close proximity to the house. Mr. Murphy stated the previous approval for the garage was 4 ft. closer than the current proposed.

Mr. Galli stated an approved plan was submitted to satisfy the health department objection.

The Board Attorney stated an approval from the Board would still require other departments review and satisfied before permitting.

The Board Attorney stated concern with the comments in the Health Department memo. The memo suggests responsibility placed on the Board Engineer and other professional parties (as listed #5 in the memo) to see that the Applicant obtain all NJDEP requirements. The Attorney noted, the comment is not appropriate and noted the Health Department was not named as a responsible party. Further, the dry well that was mentioned has nothing to do with this Application.

With no further questions, the Chairman opened the Application to the public.

Laurie Duncan Lee stepped forward, stating she resides at 45 Lake Park Terrace. Ms. Lee has a garage next door. Lake Park Terrace (public road) sits at a higher elevation. There are 20 homes in the area, 6 have garages. Ms. Lee is concerned with flooding on lower Lake Park Terrace. The homes and garages are close. She has not taken on water. She does not have a problem with the neighbors. Trees along Upper Lake Park have exposed tree roots. The trees are not proposed to be taken down. They are located in Lake Park Terrace. The neighbor's garage is in Lake Park Terrace.

Mr. Murphy stated the proposed garage is lower than the neighbor. The structure is 1 ½ story. The Plan showing contours and dimensions showing 13.25 feet from one garage to the neighbor's garage. The trees are located on Lake Park Terrace. There is not an easement for the private road.

Ms. Lee was satisfied with Mr. Murphy's response.

The Board Attorney introduced;

**Exhibit A-3** Resolution No. 20-2000, Zoning Board of Adjustment in the matter of Michael and Kerry Goceljak, decided April 25, 2000

The proposed garage is not in the exact location as the previously approved garage. The proposed garage is slightly further away from the well. The proposed garage is slightly smaller.

Mr. Murphy stated there is a 15 ft. wide drainage easement. He believes the pipe runs down the easement to the lake. Gutters and leader drains are not viable to connect to the easement drain as heated roof water is not desirable for an ecosystem. A drywell system would interfere with well and septic setbacks. The Applicant agrees to look into drainage and discuss with the Board Engineer.

**EXHIBIT A4** – Application 0030-0438 with Survey prepared by Berry Associates.

The Board Attorney referenced a survey prepared by Berry Associates submitted with the previous Board Application 0030-0438.

The garage is shown 3 ft. from the property line in this survey dated 3/21/2000.  
The proposed garage, subject of this application, is 3 feet – no change to the approval

Mr. Murphy stated the garage is running parallel to the neighbor's garage, now 3 feet at the paper road, 4 ft. at the back.

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

**Second:** Michael Hensley

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

Discussion among the Board – An Application larger than the proposed was approved by the Board 20 years ago. The design is consistent with the community. The garages are below grade to the roadway. Access to the main roadway is not affected. Drainage testimony has been given that properties are sloped, eliminating most drainage problems.

**Motion by Daniel Jurkovic to APPROVE** ZB--12-23-21, 47 Lake Park Terrace for Bulk Variances to construct a 1 ½ story 2 car garage. Front yard setback, side yard setback(s) and accessory building lot coverage for reasons stated in fact finding and comments.

**Second:** Arthur McQuaid

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

The Board Attorney stated the approval would memorialized at the next meeting. The Approval would be advertised. There is an appeal period any work started before this period was at the applicants risk

Mr. Chairman called for a 10 minute break 8:24  
Call to Order 8:38 PM

**ZB-01-24-02**

CHRIS CERVERIZZO  
807 East Shore Road  
Block 4401 Lot 22 Zone LR

**Complete:** February 8, 2024  
**Deadline:** June 7, 2024

**SEEKING**

**BULK VARIANCES** to construct 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

Appearing for the Applicant, Robert Moshman, Esq stepped forward stating the Applicant was not able to attend the meeting.

Mr. Moshman called Mr. Vincent Lanza to testify.

The Board Attorney swore Mr. Lanza in.

Mr. Lanza Stated;

He is the builder for the proposed addition.

Mr. Cerverizzo recently purchased the house at 807 East Shore Road.

The house is on Storms Island Road. The actual road is owned by the homeowners on Storms Island Road.

The property is located in the LR / R10 zone

The project is 12 ½ x 30 ft. addition.

A side yard setback is required.

The property is skewed and irregular in shape.

The property has an address of East Shore Road.

Access is from Storms Island Road only. A cliff prevents access from East Shore Road.

The property is on a slight angle. The house was constructed not parallel to the property line.

The existing rear setback is 27 feet, 23 ft. is proposed.

The well is located at the south corner of the property – causing the construction to include a “little jog”.

Most of the homes in the area are close to the property lines.

The next house over to the south is approximately 40 ft. away. The other side (r) is the Storms Island parking lot.

The Applicants lot is one of the largest in Storms Island.

There would be no negative impact for the development.

The addition would be consistent with the neighborhood.

Mr. Lanza stated he went over the Heath Department concerns with the Health Department officer, Susan Muhaw. Mr. Lanza stated he would take care of her concerns.

The addition is a non private room, to be used as a game room.

The existing house has 2 bedrooms, one bathroom exists, 1 to be added. The number of bathrooms does not have an impact on the septic. The top floor of the home will not be altered.

The house was renovated in 2017. A new septic was added on the right side of the house. The location of the septic does not allow for the addition on the right side.

The entire property is fenced.

The Board Planner stated the easement is just an easement, not public. Setbacks are from East Shore Road, approximately 350 ft.

In a memo from the Health department item #3 states, NJDEP must be obtained. Mr. Lanza stated there may be a "permit by rule". He further stated he is addressing this with the Engineer for the Applicant.

The Board Engineer stated proposed activity appears to fall under "permit by rule" number 12, which allows for an addition to a dwelling up to 400 sq. ft. The addition cannot be in the flood way. The lowest floor must be constructed at least 1 ft. above the flood hazard elevation. (lake elevation) and does not result in a substantial improvement of the building. The survey shows the addition is more than 25 ft. from the edge of Greenwood Lake. The riparian zone vegetation cannot be cleared. In this case there is no riparian zone vegetation. Further stating the Board can be comfortable that no action from the DEP is necessary under the above criteria.

Items 6, 7 and 8 listed in the Board Engineer report have been satisfied with testimony.

Drainage language from West Milford Engineering have been satisfied with testimony.

The Board Attorney stated the language in the Board of Health memo, particular to item #5, should be eliminated.

Mr. Chairman opened the Application to the public. 8:54PM

**Seeing no one**, Stacy-Ann Webb moved to close the public portion of the Application

**Second:** Michael Hensley

All were in favor

Mr. Moshman stated in closing, the 2014 Master Plan Land Use Plan Element incorporates prior judgements of the Planning Board Master Plans. Goal #6 of the land use plan has objectives for lake communities which include permit limited infill growth in existing lake communities consistent with the character of those communities.

Discussion from the Board concluded the Application was straight forward. A hardship is the location of the septic. The rear yard setback is d' minimis. The rear yard is the lake. The addition is consistent with the intended purpose of Master Plan.

**Motion to approve** by Daniel Jurkovic, ZB 01-24-02, 807 East Shore Road to construct a garage and game room addition as noted in the description and testimony to include accessory lot coverage and variances noted.

**Second:** Arthur McQuaid

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

**Discussion** – from the Board and Zoning officer pertaining to Health Department comments. Accessory structures in the front yard ordinance has changed and the Zoning Officer will provide to the Board. "outside of the front yard setbacks"

Annual Report prepared and presented by the Board Planner. Work load has become easier due to the passing of zoning ordinance changes. Accessory garage use will be looked at again. Lake front homes could be addressed. All have done a great job. The report should be signed and presented to the Planning Board and Council.

**Motion** to accept the report: Peter McGuinness

**Second:** Stacy-Ann Webb

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

**III. APPROVAL OF INVOICES**

**Motion to approve:** Peter McGuinness

**Second:** Michael DeJohn

**All were in favor**

**IV. APPROVAL OF MINUTES**

January 23, 2023

**Motion to approve:** Stacy-Ann Webb

**Second:** Michael DeJohn

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

Motion to Adjourn: Frank Curcio

All were in favor

9:13 P.M.



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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