

**TOWNSHIP OF WEST MILFORD
ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
August 22, 2023
7:00 p.m.**

MAIN MEETING ROOM OF TOWN HALL

The meeting was called to order at 7:08 PM

The Secretary read the legal notification.

The Pledge of Allegiance was recited

ROLL CALL
7:09PM

Present: Michael DeJohn Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Frank Curcio, Russell Curving, Peter McGuinness, Stacy-Ann Webb, Daniel Goodsir

Also Present: Pamela Jordan, Board Secretary, Stephen Glatt, Esq., Attorney, Patrick McClellan, Engineer, Kenneth Ochab, Planner

**Absent:
Late:**

The Chairman greeted the Board and the public stating there was a 6 member Board.

The Board operates in accordance with the Open Meeting Act of the State of New Jersey, which means discussions and decisions are made in public. Under normal circumstances the Board follows a printed agenda that is posted on the township website and posted on the bulletin board in town hall. Meetings are advertised in the Herald News. There are no new applications after 10:00 pm and no new testimony after 10:30 pm. After the applicant speaks, anyone can speak for or against that application. Appeals of this Board go directly to the Superior Court of the State of New Jersey.

RESOLUTIONS

RESOLUTION 14-2023

Maryann Heisler

AB 05-23-11

17 Lenape Trail

Block 5714 Lot 5 Zone LR

Approved, 6 foot fence in front yard

Motion:

Second:

NEW APPLICATIONS

ZB 05-23-12

Joanna Grzywna

66 Circle Boulevard

Block 15502 Lot 26 Zone R-2

SEEKING BULK VARIANCE

Front Yard Setback – 30 feet required, 31 feet exists, 23 feet proposed (to new addition)

Side Yard Setback – 10 feet required, 8.7 feet is proposed

Lot Coverage – 10% is permitted, 14.4% exists, 16.8% is proposed

For an addition to the front of the existing dwelling to enlarge a bedroom, add a lift from the lower basement to the upper level, a new front porch and stairs to accommodate a disabled family member living in the home.

Complete: July 7, 2023

Deadline: November 4, 2023

The Applicant and witness stepped forward, the Board Attorney swore in Ms. Joanna Grzywna and Mr. Tomasz Bona, R. A from Bonarch Architecture & Design located in Wood Ridge, NJ.

Ms. Grzywna stated she has an 18 year old son. Her son requires mobility assistance and is currently being lifted from the basement entrance to a stair lift in the house then lifted to his wheel chair. The proposed addition will allow room for the over sized wheel chair to come to the first floor while allowing room for a lift elevator to bring her son indoors with a wheel chair and avoid manual lifting. The structure of the house and location of the beams in the house will not allow for an alternate location.

Mr. Bona stated he is a NJ licensed Architect since 2010. He holds a license in Massachusetts & Puerto Rico with extensive experience in residential and commercial architectural arts and planning. He has been practicing architectural since 2005 and has testified before multiple boards in NJ. Mr. Bona was accepted as an expert witness.

Mr. Bona presented the plans, *the Board has previously reviewed*, and stated the subject matter of this application is a substantial improvement of living conditions for the Applicant and her severely disabled child, basically confined to his wheel chair. The wheel chair is not standard and is heavy weighing 400 – 600 pounds. Additional equipment in the bedroom helps to lift her son.

The subject lot is undersized at 10, 000 sq ft where 20, 000 ft is required causing the need for C-Variance relief. The existing structure is located 31 feet from the property line. The only viable location for the proposed lift is in the front of the house due to the driveway and front entrance location and need to transfer the child into the garage and upper level. The proposed alteration triggers the need for a front yard variance where 30 feet is required and 23 feet is proposed. It is not technically feasible to locate the chair lift within the footprint of the building due to a staircase location and close proximity to the garage. The addition proposes to align with the existing non-conforming 8.7 ft wall setback on the East side of the building and requires a side yard setback Variance. A lot coverage Variance is required for the proposed 16. 8% coverage due to the undersized lot. The existing house is approximately 1400 sq ft. Total habitable area of the house is proposed at 1650 sq. ft.

Referencing **Sheet Z1** of the drawings *provided to the board* illustrates the front elevation and the proposed addition with a new staircase to the canopy covered landing with garage bays on the lower level and transportation path. **Sheet Z2** shows both levels and transport path from the foyer into the house. Additional proposed space to the bedroom on the West side of the building will help with maneuvering of the wheel chair and equipment functionality.

Other lots in the neighborhood are generally undersized and houses are small. The application does not create a detriment to the fabric of the neighborhood or surrounding area. Approval of the application would provide a substantial improvement of living conditions for this family.

Mr. Bona, answering questions from the Board provides further testimony. Only the right side of the addition will be extended. The character of the house will be enhanced with the addition of contouring. Direct access from the garage is important. A vehicle can drive in the garage and have access to the elevator. The wheel chair is accessible from inside of the house.

The Chairman opened the Application to the public.

Seeing no one moved to close: Peter McGuinness

Second: Michael Hensley

Board members discussed and would be in favor of supporting anyone improving their life. The lot is undersized. The addition is located in the most practical spot. Contouring of the home adds to the aesthetics of the community and adds character.

The Board Planner stated the major issue is the front yard setback. The Site Plans show an adjacent house with an approximate setback of 25 ft from the street. The proposed setback for the Applicant is 23 feet and does not extend beyond the normal setback of other homes on the street.

The Board Attorney referenced a memo dated August 18, 2023 from the Environmental Commission where they expressed the projected would need to address storm water runoff and drainage for impervious area. Runoff should be directed in a manor so not to affect the neighboring properties. Exterior lighting should be installed so not to adversely affect or disturb any adjoining property owners.

Daniel Jurkovic made a Motion to Approve ZB 05-23-12, 66 Circle Boulevard South, **Block 15502 Lot 26 Zone R-2**, for Bulk Variances for front yard setback where 30 feet required, 31 feet exists, 23 feet proposed (to new addition) Side Yard Setback – 10 feet required, 8.7 feet is proposed Lot Coverage – 10% is permitted, 14.4% exists, 16.8% is proposed is a de minimus increase. The structure must remain a 2 bedroom dwelling.

Observations from the Board Planner and Board members provided supporting testimony.

Second: Arthur McQuaid

Roll Call Vote: Michael DeJohn Michael Hensley, Daniel Jurkovic, Arthur McQuaid, Frank Curcio, Russell Curving, Peter McGuinness, Stacy-Ann Webb, Daniel Goodsir

Yes:

No:

Abstain:

The Board Attorney explained the Resolution should be ready September 26, 2023 meeting.

ZB 03-23-06

**Paul & Renata Pflug
40 Gould Road**

**Block 10102 Lot 14 Zone R4
SEEKING BULK VARIANCE**

Side yard setback (R) 30 feet is required, 19.1 is proposed
Side yard setback (L) 30 feet is required, 28.2 is proposed

For the construction of an accessory deck and covered porch.

Motion to carry: Stacy-Ann Webb

Second: Michael DeJohn

Roll Call Vote:

Yes:

Michael DeJohn, Michael Hensley, Frank Curcio, Stacy-Ann Webb

No:

Abstain:

The Board Attorney explained this matter was on the Agenda for the July regular meeting. The Applicants were prepared to proceed at that time. The meeting was canceled. The Pflugs have requested the matter be adjourned to September 26, 2023 Zoning Board meeting due to a schedule conflict. The Pflugs have signed a 60 day extension. No additional notice is required.

Motion to Adjourn: Peter McGuinness

Second: Russell Curving

ZB 03-23-07

Jesus Gutierrez

56 Morsetown Road

Block 4903 Lot 10 Zone R4

SEEKING USE VARIANCE

To keep 2 goats in R4 zone where 1 goat is permitted.

The Board Attorney stated a letter to withdraw the matter was received from the Applicants Attorney, Mr. Edward Azar.

Complete: June 9, 2023

Deadline: October 17, 2023

ZB 04-23-08

Hagop Kiledjian

71 Fairview Drive

Block 1802 Lot 5 Zone LR

SEEKING BULK VARIANCE

Side Yard Setback, 10 feet required, 0 proposed

Distance from other building, 15 feet required, 7 proposed

Front Yard Setback, 40 feet is required, 14.6 proposed

Accessory Building Coverage 3% required, 4-8% proposed

For an accessory garage in the front yard constructed without a permit.

*(existing)

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Complete: June 14, 2023

Deadline: October 12, 2023

The Board Attorney swore in the Applicant – Mr. Krikor Kiledjian residing at 71 Spring Avenue in Bergenfield NJ and Mr. Jagop Kiledjian residing at 71 Fairview. Krikor Kiledjian stepped forward for his father Jagop stating his father had open heart surgery in 2014 and continues to monitor his cardiac health. He was not aware the shed / garage needed a permit. The structure is for his Mr. Jagop Kiledjian’s primary vehicle. He moved to West Milford for a less busy life from Bergen County. Mr. Kiledjian had a health scare while cleaning his car after a storm in the past. The lot is undersized. The placement of the shed / garage was dictated by lot size and septic location. The structure is on the property line. The neighbor has given “unofficial” permission to place the structure where it is, a written statement is available.

The Board Engineer stated the measurement of 14.5 feet was a hand written dimension on the survey. A comparison with an aerial view showing the garage structure projects 6 or 7 feet in front of the house. The location is largely in the same location of the previous structure – longer by approximately 5-6 feet longer. The previous “structure” was described as not permanent.

Mr. Kiledjian stated the house was purchased in early 2020. The non-permanent structure was not there. The portable cover was put up. The “pop up” like structure did not support snow loads. The portable was taken down. The subject moveable shed was purchased as a kit in November 2022. The grass line starts directly behind the building 3 feet to where the septic system begins. The tanks have room to be cleaned and serviced.

A memo dated August 8, 2023 from the Environmental Commission stated concern about the encroachment on the neighboring property for the maintenance of the garage and storm water runoff and lighting should be addressed so they do not affect the neighboring property. In a memo dated June 21, 2023 from West Milford Construction Official stating an architectural plan will be required, when the owner submits to the building department, to resign a fire rated wall that is located on the property line. A memo dated June 27, 2023 from the Health Department with

objection to the garage, nothing can be placed on top or any portion of the septic system or well. The Applicant must provide an accurate site plan/survey locating and labeling all components of the septic system, well, drain, dry well, existing buildings, existing dwellings, existing parking area, proposed parking areas and existing and proposed storage and any additional items that may encroach on the septic system or well. All NJDEP requirements must be obtained be reviewed by the health department. If the garage or any other area is encroaching on the neighboring property the Board is in no way condoning it.

The Board Planner referenced his report of June 1, 2023 where he pointed out there was an approval to cover the porch in '06 which is there now with a setback to the property line of 8 feet from the front of the porch to the property line. The garage is well in front of the porch therefore the setback is not 14 feet. The Board needs a plan with the correct location of the structure and define the setback. Putting the septic on the same plan will allow the Board a clear view and conditions to make a determination.

The Board Attorney made a suggestion to the Board to carry the matter, giving the Applicant time to put the information together.

Motion to carry: Arthur McQuaid

Second: Peter McQuinness

Roll Call Vote:

Yes: Michael DeJohn, Michael Hensley, Daniel Jurkovic, Frank Curcio, Russell Curving, Peter McQuinness, Arthur McQuaid

No:

Abstain:

ZB 05-23-09

Allison Hosford & Roger Knight

75 Otterhole Road

Block 12501 Lot 13 Zone R-4

SEEKING BULK VARIANCE

Side Yard Setback, 50 feet required, 29.1 exists, 10 feet proposed
No Frontage on a Public Street, required (§550-81) and NJSA 40:55D-35

Complete: June 16, 2023

Deadline: October 14, 2023

Ms. Allison Hosford residing at 176 Weaver Road in West Milford was sworn in by the Board Attorney. Ms. Hosford stated she and Roger Knight brought the property approximately 2 and a half years ago. The garage is falling down. The garage location is about 8 feet from the existing house. The objective is to remove the old garage, rebuild a better building farther from the house. The use of the garage is for a workshop and artist studio on the second floor. There is a strip of land about 10 – 15 feet wide between the house and the road leading to the house. This strip of land is owned by Lake Arcadia Association. Ms. Hosford is a member of the Association. The proposed garage is 10 feet away from the Hosford/Knight property line. The South East side of the house is the septic system, to the North is the damn to the lake, the West does not have vehicle access. The garage is proposed to be built on a slope. The first floor is proposed to be a 2 car garage/workshop. The second floor of the garage is proposed to be an artist studio with an open plan and half bath.

The Board Planner explained he visited the site driving down Otterhole Road to the entrance of Arcadia Lake, driving through 2 posts and continued about 1.2 miles on a dirt road. The garage is proposed on the 2.7 acre lot with a single family home. This is not a public road. There are 4 houses owned by the Association on 400 acres of the Lake Arcadia Association, 100 is green acres. Inside the remaining 300 acres are two parcels. The setback from the property line is owned by The Lake Arcadia Association. The nearest neighbor is approximately 1 mile away. The neighboring land is owned by the LLC. The Association is not willing or able to grant any land to the Applicant.

The Chairman opened the Application to the public.

Seeing no one Peter McQuinness moved to close the public portion

Second, Arthur McQuaid

All were in favor

The Township Engineer suggested a conversation between the Applicant and MAP Engineering regarding the Riparian buffer requirements for the lake and the Applicant is complying with the permit by rule requirements.

Motion to Approve: Daniel Jurkovic – based on testimony provided by the Applicant and Township Professionals. This land is a private community and does not affect the Master Plan, find no detriment to the community and will improve the property by replacing a dilapidated structure.

Second: Arthur McQuaid

Roll Call Vote:

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

No:

Abstain:

ZB 05-23-10

Elisa Carril & Lawrence Festa

230 Longpond Road

Block 4002 Lot 6 Zone LR

SEEKING BULK VARIANCE

Front Yard Setback - 40 feet required, 34.4 proposed (34.3 feet exists)

Side Yard Setback – 30 feet is required, 17.2 and 6.8 proposed (17.2 & 6.2 exist)

Rear Yard Setback – 60 feet is required, 18.5 proposed (19.3 exists)

Building Coverage – 10% is permitted, 25.8% proposed (18.0% exists)

DECK VARIANCE

Rear Yard Setback – 30 feet is required, 5.4 is proposed

(R) Side Yard Setback – 15 feet is required, 6.8 feet proposed

To raise an existing one-story single family home and construct a new two story single family home with a 2 car garage, a 14 x 51 foot deck and a second story 5 foot x 51 foot covered balcony.

The Board Attorney swore in Applicants Elisa Carril and Lawrence Festa residing at 28 Snow Drive in Mahwah, NJ and Vincent Lanza, Contractor, residing at 40 Forest Lake Drive in Hewitt, NJ, Jeffrey Houser, Houser Engineering, Ringwood, NJ.

Ms. Carril and Mr. Lawrence stated they are the owners of the property. Mr. Lanza is the contractor and Mr. Houser is the Architect.

Mr. Lanza stated the Applicants purchased property, 230 Long Pond Road. The house has been vacant for 20 – 30 years. The house is not habitable and should be demolished. The proposed plan is for a new home. The property has been neglected. The house jogs out in the back. The construction would square the house off.

Jeff Houser stepped forward and stated he is the owner of Houser Engineering in Ringwood, NJ. He earned a Bachelor of engineering degree from Stevens Technology in Hoboken, NJ in 2003. He is a licensed engineer from 2008 and is licensed in NJ, NY, PA and MD. He has testified before this Board on many occasions. He represents the Applicants for the property known as 230 Long Pond Road. The property contains a single family 1 story dilapidated building. The project proposes to raise and replace the building with a new 2 story dwelling. To the North and South of the property are similar developed single family dwellings, the West is an approximate 60 foot tract owned by the Awosting Association. To the East are similar type homes with larger lots. The lot is undersized at 6, 871 sq ft. The LR zone requires a 20,000 sq ft area. There are existing nonconformities. Lots in the area are similar in size on that size of the road. The existing dwelling has a foot print of 1240 sq ft. There are existing variances for the front yard, side yard and front yard setbacks. The proposed replacement will maintain the same 51 ft width of the existing dwelling and decrease the maximum depth to 30 ft and “square off” resulting in a size increase of the dwelling to 1,530 sq ft. as a 51 ft x 30 ft rectangular modular home. Front and side yard setback (south) will remain the same and increase the side yard setback (north) to 6.8 ft. Rear yard setback will decrease .8 ft less. Two existing decks (one is currently over the property line) nonconforming in the rear and side yard setbacks are to be removed, new proposed decks (totaling 714 sq ft) a rear yard setback of 5.4 ft. (S) at the pitched angled line and as far as 23 ft in the deeper area and the 6.8 ft side yard setback, consistent with the dwelling. Impervious coverage increases by 366 sq ft and managed with a storm water recharge chamber located on the back right of the property for downspout runoff.

The Awosting LR Community is serviced by its own public sewer and water system. The property is located within the Highlands Preservation area. The project is eligible for a Highlands exemption, specifically #5, as an existing lot from 2004. The riparian zone would be covered by “a permit by rule” # 11 or #12 – the construction of an addition less than 400 sq ft.

The dwelling will have a garage under the Northern side with a new driveway. The grade will be raised approximately 3 – 4 ft with a small retaining wall on the northern side and from the corner to the house southward to the small, *approximate 4 ft x 9 ft*, covered porch.

The size of the lot, irregular and narrow shape of the lot presents challenges for the reconstruction of the dwelling. Efforts have been made to minimize any detriment to the public by maintaining existing setbacks where practical. The house is similar in size to homes on both sides of the street. Replacing the vacant dwelling is a benefit to the community.

Board discussion – Changes are minimal to the existing conditions. Distance from the lake to the Applicants property is roughly 50 – 60 feet – this is unbuildable area (not owned by the Applicant) has building restrictions. The proposed improves the current setback and encroachment. The

garage is one car. Taxes must be current if the Application is improved. The Applicant does not have issue complying with any of the comments listed on a memo from the West Milford Health Department of July 3, 2023. "A recharge system is basically a more shallow drywell. "Awosting" has a unique architectural style.

Mr. Lanza testified contemporary homes are "coming back" and there are several in the area.

Professional discussion – The Board Engineer stated the storm water management system testimony addresses any concerns and he agrees with Mr. Houser's testimony of qualifying for a permit by rule regarding the riparian zone.

The chairman opened the application to the public.

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

Further Board discussion – The community will be improved with a new home with no major change to existing setbacks. The existing encroaching deck will be removed and brought into compliance. Architectural rendering appears to be consistent with the aesthetics of the community and important to maintain. The lot is small.

Motion to Approve by Peter McGuinness ZB 05-23-10 230 Longpond Road Block 4002 Lot 6 Zone LR to raise an existing one story home and construct a new 2 story single family home with a single car garage and a 14' x 51' deck and a second story 5' x 51' covered balcony based on testimony provided, an undersized lot, consistent with the neighborhood, sewer and water are already in place, the rear yard setback is improved with the removal and replacement of the deck and a benefit to the community.

Second: Arthur McQuaid

Roll Call Vote:

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

No:

Abstain:

The Board Attorney explained the Resolution and memorialization along with the 45 day appeal period to the Applicant.

DISCUSSION

APPROVAL OF INVOICES

Motion to Approved: Peter McQuinness

Second: Michael DeJohn

All were in favor

APPROVAL OF MINUTES for June 20, 2023

Motion: Michael DeJohn

Second: Stacy-Ann Webb

Eligible to vote - Michael DeJohn, Stacy-Ann Webb, Frank Curcio

All were in favor

ADJOURNMENT, 9:15 PM

Motion: Stacy-Ann Webb

Second: Michael Hensley

All in favor

Respectfully Submitted,
Pamela Jordan, Secretary
Zoning Board of Adjustment

Approved September 26, 2023