

TOWNSHIP OF WEST MILFORD ZONING BOARD OF ADJUSTMENT

MINUTES

FEBRUARY 24, 2004

The meeting opened at 7:35 p.m., with the reading of the legal notice. Ed Spirko, alternate member, was sworn in by the Board Attorney.

ROLL CALL

Present: Thomas Bigger, Robert Brady, Anthony DeSenzo, Francis Hannan, Daniel Jurkovic and Arthur McQuaid; Stephen Glatt, Board Attorney; Linda Lutz, Staff Planner; and Richard McFadden, Township Engineer.

Absent: Joseph Giannini

In the absence of Joseph Giannini, the Chairman appointed Ed Spirko as a voting member.

Memorializations

RISTO NIKOLOVSKI

Resolution #2-2004

Bulk Variance #0330-0636

Block 811; Lot 14

Shadyside Road; LR Zone

GRANTED: Bulk variances for lot area, lot frontage, lot width and front yard setback.

MOTION made by Thomas Bigger, seconded by Daniel Jurkovic, to memorialize the action.

On roll call vote: Yes - Thomas Bigger, Daniel Jurkovic and Robert Brady

No - None

HIGH CREST LAKE LODGE, INC.

Resolution #3-2004

Preliminary & Final Site Plan #0120-0096AB

Block 13002; Lot 9

High Crest Drive/Hearthstone Drive; R-2 Zone

GRANTED: One-year extension of time

MOTION made by Daniel Jurkovic, seconded by Arthur McQuaid, to memorialize the action.

On roll call vote: Yes - Daniel Jurkovic, Arthur McQuaid and Robert Brady

No - None

There was a request to carry the following application:

1855 GLT, LLC

Preliminary & Final Site Plan #0320-0139AB

Bulk Variance #0330-0639

Block 3703; Lot 14

1855 Greenwood Lake Tpke; LC Zone

The Board Attorney advised applicant requested a carry to the May meeting and granted the Board an extension through June without further notice. The Board discussed the request and felt applicant should be required to give further notice. The Board Attorney suggested the application be carried to the May meeting with

the understanding the applicant will be required to give new notice. He explained applicant's new attorney, Mr. Hantman, requested to carry the deadline through June 30, 2004 conditioned upon them not being required to re-notice.

MOTION was made by Daniel Jurkovic to adjourn the application to the March meeting until confirmation as to applicant's willingness to re-notice or not. Arthur McQuaid had no problem with the Board hearing the application in May, subject to re-notification either by applicant or, if necessary, the Board Secretary, for the April meeting. **Mr. Jurkovic withdrew his motion based on Mr. McQuaid's suggestion.**

MOTION was made by Arthur McQuaid to grant applicant an extension until the May meeting, subject to re-notification by applicant. The Board Secretary will re-notify, if applicant fails to do so, for the April 27, 2004 meeting, seconded by Thomas Bigger.

The Board Attorney clarified the public will receive a new notice with the appropriate meeting date. The Board is carrying the application to the May 25, 2004 meeting. If applicant's attorney does not agree to re-notify, the Board will re-notify for the April 27, 2004.

On roll call vote: Yes - Thomas Bigger, Anthony DeSenzo, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Ed Spirko and Robert Brady
No - None

PETER ESPOSITO
Mountain Lakes Autowash
Amended Preliminary & Final Site Plan
#0420-0120AB
Block 6701; Lot 13
1946 Union Valley Road; CC Zone

Applicant, Peter Esposito, appeared, and explained there was an oversight with his building contractor and the carwash people on his original application. This is the reason for the extension of 10 feet to the portico. The error was picked up in the field and the adjustment had to be made. The portico is designed to cover the conveyor and the correlater. These are utilized to push the vehicle through the carwash tunnel and necessary to secure the area. He will be submitting a site plan for the rear portion of the property in the near future. He has purchased the rear property with an intent to develop it with a self-service carwash. Landscaping would be removed in the future in order to access the rear property.

The Board Attorney stated the issue was whether the Board will allow Mr. Esposito to put off installing a portion of the landscaping. He will post a performance guarantee for that portion of uninstalled landscaping.

The meeting was opened to the public and no one wished to speak.

MOTION was made by Thomas Bigger to close the public portion, seconded by Arthur McQuaid.

MOTION was made by Arthur McQuaid to grant the 10-foot extension to the portico, seconded by Robert Brady, based upon the testimony given by applicant for the need to secure the equipment from the weather. The extension is on the rear of the building and hardly visible from the main road and does not effect the aesthetics of the building as originally approved.

On roll call vote: Yes - Thomas Bigger, Anthony DeSenzo, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Ed Spirko and Robert Brady
No - None

Arthur McQuaid mentioned how extremely important the buffer area to the carwash was to the Township and his motion is based on the importance of the buffer area to allow the applicant to go ahead and install woodchip landscaping in the area, allowing it to be left without plantings until December 31, 2004, at which time he has opportunity to make an application for a site plan for the use of the back portion of the lot. Applicant has agreed to put forth a performance guarantee to assure that the buffer area will be planted in the event the back of the lot is not completed. If the application for the rear of the lot is not filed within six months, the applicant may come back before the Board and request an extension. The motion was seconded by Francis Hannan.

On roll call vote: Yes - Thomas Bigger, Anthony DeSenzo, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Ed Spirko and Robert Brady
No - None

Minutes

MOTION was made by Daniel Jurkovic, seconded by Anthony DeSenzo, to approve the Minutes of the meeting of January 15, 2004, with all who were eligible to vote being in favor.

MOTION was made by Daniel Jurkovic, seconded by Anthony DeSenzo, to approve the Minutes of the Reorganization meeting of January 15, 2004, with all who were eligible to vote being in favor.

MOTION was made by Daniel Jurkovic, seconded by Thomas Bigger, to approve the Minutes of the meeting of December 18, 2003, with all who were eligible to vote being in favor.

MOTION was made by Daniel Jurkovic, seconded by Arthur McQuaid, to approve the Minutes of the meeting of November 25, 2003, with all who were eligible to vote being in favor.

MOTION was made by Daniel Jurkovic, seconded by Thomas Bigger, to approve the Minutes of the meeting of November 18, 2003, with all who were eligible to vote being in favor.

MOTION was made by Daniel Jurkovic, seconded by Thomas Bigger, to approve the Minutes of the meeting of March 25, 2003, with all who were eligible to vote being in favor.

MOTION was made by Daniel Jurkovic, seconded by Thomas Bigger, to approve the Minutes of the meeting of March 20, 2003, with all who were eligible to vote being in favor.

MOTION was made by Daniel Jurkovic, seconded by Thomas Bigger, to approve the Minutes of the meeting of January 23, 2003, with all who were eligible to vote being in favor.

MOTION was made by Daniel Jurkovic, seconded by Thomas Bigger, to approve the Minutes of the meeting of November 21, 2002, with all who were eligible to vote being in favor.

MOTION was made by Daniel Jurkovic, seconded by Thomas Bigger, to approve the Minutes of the meeting of November 27, 2001, with all who were eligible to vote being in favor.

Miscellaneous

The Board discussed hiring an expert in the effects of septic effluent on ground water. The two proposals were from Robert C. Kirkpatrick, Inc., and the Passaic River Coalition to review the application of 1855 GLT, LLC, regarding the possible effects and impacts from the septic system effluent from a Laundromat.

MOTION was made by Thomas Bigger to hire Robert C. Kirkpatrick, Inc., seconded by Daniel Jurkovic, based on the advice of the Board Attorney and staff.

On roll call vote: Yes - Thomas Bigger, Anthony DeSenzo, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Ed Spirko and Robert Brady
No - None

MOTION was made by Thomas Bigger to adopt the Annual Report, seconded by Arthur McQuaid.

On roll call vote: Yes - Thomas Bigger, Anthony DeSenzo, Francis Hannan, Daniel Jurkovic, Arthur McQuaid, Ed Spirko and Robert Brady
No - None

Linda Lutz reviewed some Board procedures for the new Board members

ADJOURNMENT

The meeting was adjourned by unanimous vote at 8:52 p.m.

Respectfully submitted,

Carol DenHeyer
Secretary