

TOWNSHIP OF WEST MILFORD ZONING BOARD OF ADJUSTMENT

MINUTES JUNE 22, 2004

The meeting opened at 7:38 p.m. with the reading of the legal notice.

ROLL CALL

Present: Thomas Bigger, Robert Brady, Francis Hannan, Daniel Jurkovic and Ed Spirko; Stephen Glatt, Board Attorney; Linda Lutz, Staff Planner; and Robert Kirkpatrick, Consulting Engineer.

Absent: Joseph Giannini and Arthur McQuaid

Late: Anthony DeSenzo; and Richard McFadden, Township Engineer

The Chairman appointed Ed Spirko, alternate, as a voting member and advised the Board of the following carries:

CEFES FINANCIAL, INC.
De Minimis Exception
Bulk Variance #0230-0614
Block 1806; Lot 4
Magnolia Rd; LR Zone

A letter requesting the above Court Remand of Cefes Financial, Inc., to be carried to the July 27, 2004 meeting and granting a 30-day extension was received. All Board members were in favor of carrying the matter to the July 27, 2004 meeting with no further notice necessary.

KURT RENZLAND
Use Variance #0340-0645
Block 6002; Lot 39.02
921 Burnt Meadow Rd.; LMI Zone

COMPLETE 04-02-04
DEADLINE 09-29-04

A letter requesting the Kurt Renzland application be carried to the July 27, 2004 meeting was received. All Board members were in favor of carrying the matter to the July 27, 2004 meeting with no further notice necessary.

The Township Engineer, Richard McFadden, was now present.

The following application was called:

1855 GLT, LLC
Preliminary & Final Site Plan #0320-0139AB
Bulk Variance #0330-0639
Block 3703; Lot 14
1855 Greenwood Lake Tpke; LC Zone

COMPLETE 10-31-03
DEADLINE 07-30-04

The above application for 1855 GLT, LLC was held to allow another Board member to be present.

The following application was called:

STRENGTHEN OUR SISTERS, INC.
Use Variance #0440-0656
Block 14701; Lot 53
76 Old Route 23; NC Zone

COMPLETE 04-01-04
DEADLINE 08-29-04

George Cotz, attorney for Strengthen Our Sisters, Inc., was not present. The following application was then called:

APSHAWA LAND CO.
Use Variance #0340-0635
Preliminary & Final Site Plan #0220-0126AB
Bulk Variance #0230-0586
Block 12501; Lot 21
Van Cleef Road; R-3 Zone

COMPLETE 04-02-04
DEADLINE 09-29-04

John Barbarula, Esq., was not yet present on behalf of Apshawa Land Co and the matter was held.

Minutes

MOTION was made by Thomas Bigger to approve the Minutes of the May 25, 2004 meeting, seconded by Daniel Jurkovic, with all in favor.

MOTION was made by Thomas Bigger to approve the Minutes of the January 15, 2002 meeting, seconded by Daniel Jurkovic, with all in favor.

The Board recessed and upon reconvening, Board member Anthony DeSenzo was present.

The following application was called again:

1855 GLT, LLC
Preliminary & Final Site Plan #0320-0139AB
Bulk Variance #0330-0639
Block 3703; Lot 14
1855 Greenwood Lake Tpke; LC Zone

COMPLETE 10-31-03
DEADLINE 07-30-04

Allen Hantman, Esq., appeared on behalf of applicant and gave a synopsis of the previous meeting and called Mr. McKittrick to testify.

Douglas McKittrick, previously sworn as an Engineer, testified he re-designed the parking lot and driveway according to the County's desire to have an entrance on Yellowstone and an exit on Greenwood Lake Turnpike and submitted Exhibit A-19 showing the new layout design, which now included 14 spaces. Proposed is a Laundromat and two, one-bedroom apartments.

Mr. Hantman advised this application was submitted under an agreement made with the Municipality and is before the Zoning Board as a permitted use and there is no application for a use variance. He clarified the only application before the Board is for variances which already existed on a pre-existing building improperly taken down.

Board member, Daniel Jurkovic, raised the issue of what jurisdiction the Township Manager had to issue a letter and/or what jurisdiction the Township Attorney had, if involved, on how to proceed with the application. He questioned the validity of whether or not the use variance was granted.

Board Attorney, Steve Glatt, read Exhibit A-8, a letter from Township Manager, Ken Hetrick, dated June 18, 2002.

John Barbarula, Esq., was called and testified the municipality made a wrong administrative act. A tort claim was filed and the mistake was realized and it was directed to be corrected. It was a correction of an administrative act saying no use variance was required.

The Board recessed and upon reconvening, all Board members were present.

The Board Attorney suggested carrying the application to the August 24, 2004 meeting in order to advise the Board on the jurisdictional issue. After the Board makes a decision of whether it will retain the jurisdiction and hear the matter, the applicant will return on another date to continue with testimony. The matter was carried to the August 24, 2004 meeting in order for the Board to decide on the jurisdiction issue. If the Board determines there is jurisdiction and they will continue with the application, it will be announced to the public when the next meeting will be in order for the applicant to present any additional witnesses and testimony. An extension was granted through August 31, 2004 with no further notice necessary. If the Board retains jurisdiction, Mr. Hantman has agreed to grant an extension to the end of October.

STRENGTHEN OUR SISTERS, INC.
Interpretation #0470-0674
Block 14701; Lot 53
76 Old Route 23; NC Zone

COMPLETE 05-28-04
DEADLINE 09-25-04

Board member, Daniel Jurkovic, recused himself from the Interpretation application of Strengthen Our Sisters, Inc.

George Cotz, Esq., appeared on behalf of applicant, Strengthen Our Sisters, Inc.

Sandra Ramos, Founder and Executive Director of Strengthen Our Sisters, testified this is a shelter for senior battered woman, housing eight woman.

George Cotz, Esq., clarified they are before the Board seeking an interpretation as to whether the activity of the site is a protected use under the Land Use Law or not. The Department of Community Affairs classifies the building as a rooming house for purposes of code enforcement.

The Board Attorney clarified an application has been filed for an interpretation stating the organization would fall within a valid use under N.J.S.A. 40:55D-66.1. It was clarified they are a community shelter for victims of domestic violence and must produce certification by the Department of Human Services to occupy the premises as such. The Board cannot make a finding without the certification and cannot interpret this as being an inherently beneficial use.

George Cotz, Esq., requested the application be carried to the July 27, 2004 meeting in order to investigate the certification necessary. No further notice is necessary.

ADJOURNMENT

The meeting was adjourned by unanimous vote at 10:21 p.m.

Respectfully submitted,

Carol DenHeyer
Secretary