

**TOWNSHIP OF WEST MILFORD
ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
June 20, 2023
7:00 p.m.
MAIN MEETING ROOM OF TOWN HALL**

The meeting was called to order at 7:11 PM

The Secretary read the legal notification.

ROLL CALL

7:12 PM

Present:

Michael DeJohn Arthur McQuaid, Frank Curcio, Stacy-Ann Webb, Daniel Goodsir

Also Present:

Pamela Jordan, Board Secretary, Stephen Glatt, Esq., Attorney, Patrick McClellan, Engineer,

Absent:

Michael Hensley, Daniel Jurkovic, Russell Curving, Peter McGuinness, Kenneth Ochab, Planner

Late:

The Pledge of Allegiance was recited.

The Chairman greeted the Board and the public stating there was a 5 member Board appointing Alternate's Stacy-Ann Webb and Daniel Goodsir as voting members. 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.

RESOLUTION 12-2023

ZB 12-22-22

GREG FITZGERALD

1892 Greenwood Lake Turnpike

Block 3705 Lot 7 Zone LR

DENIED, Bulk Variance for a 6 foot fence in a front yard where 4 feet is permitted.

THIS MATTER WAS HEARD February 28, 2023 & April 18, 2023

Motion by Arthur McQuaid to approved Resolution 12-2023

Second by Stacy-Ann Webb

Roll Call Vote:

Yes: Arthur McQuaid, Frank Curcio, Stacy-Ann Webb, Daniel Goodsir

No:

Abstain:

Complete: 01/06/2023

Decided: 04/18/2023

RESOLUTION 13-2023

ZB 01-23-01

MICHAEL BETTS

97 Forest Hill Drive

Block 14113 Lot 29 Zone LR

APPROVED, Side yard setback where 30 feet is required, 9.5 feet exists, 9.5 is proposed.

Deck setback where 15 feet is required, 10 feet is proposed to construct a new 2 1/2 story, 2 bedrooms home and garage where an existing dwelling will be razed

A **motion** was made by Arthur McQuaid to approved Resolution 12-2023, **second** by Michael DeJohn

Roll Call Vote:

Yes: Arthur McQuaid, Frank Curcio, Daniel Goodsir

No:

Abstain:

Complete: March 28, 2023

Decided: May 23, 2023

The Board Attorney stated Applicant Pflug (listed on the Agenda as a new Application) failed to Advertise or Notice the matter prior to this meeting. The Pflug matter will be heard at the July 25, 2023 Board meeting.

ZB 03-23-06

**Paul & Renata Pflug
40 Gould Road**

Complete: May 18, 2023
Deadline: September 15, 2023

NEW APPLICATIONS

ZB 05-23-11

**Maryann Heisler
17 Lenape Trail
Block 5714 Lot 5 Zone LR**

Complete: May 30, 2023
Deadline: September 27, 2023
SEEKING, to install a 6 foot fence around the side and front yard where one is not permitted.

Applicant Maryann Heisler (formerly Baumohl) came forward, was sworn in by the Board Attorney and stated the following;
She would like to put up a 6 foot fence in the front yard and the side yard facing Lenape Trail. Lenape Trail is a paper road. The property has “two front yards” creating a hardship. The front door faces Lenape Trail. Ms. Heisler has 3 dogs, 1 is a German Shepherd. The 6 foot fence would contain the dogs. The fence would keep the neighbors and dogs safe. Bear Foot Walk “side” of the dwelling is visible from the street. Bear Foot Walk is a paved road. The fence is proposed to be setback from Bear Foot. Proposed fencing continues with a 6 foot cedar stockade on the back portion of the property (abuts neighbors), all other sections of the fence are proposed 6 foot black chain link. The chain link fence starts at the corner of the house facing Bear Foot Walk connecting to the cedar stockade and a section from the side corner of the house facing Bear Foot Walk, continuing to down the property line of Lenape Trail and back to the cedar stockade fence (back portion).

Exhibit A1 – A survey submitted as a result of a memo from the Health Department, dated June 13, 2023. The purpose of the exhibit, to show the parts of the septic and well. The document was provided by the Health Department to the Applicant.

Referring to the Health Department memo dated June 13, 2023, The Board Engineer indicated he did not see an issue with their concern of DEP permitting. The property is not in a flood plain. Stating there are rules that apply to fencing to properties located in a flood plain and/or a riparian buffer. **If** (emphasized) this property were located in a riparian buffer – it would be eligible for a permit by rule, meaning no action needs to be taken.

The Board Chairman opened the matter to the public.
Seeing no one, Arthur McQuaid **moved to close** the public portion,
second by Daniel Goodsir

Daniel Goodsir made a **motion to approve** the application based on the hardship of two front yards, **second** by Stacy-Ann Webb.

Roll Call Vote:

Yes: Michael DeJohn, Arthur McQuaid, Frank Curcio, Stacy-Ann Webb, Daniel Goodsir
No:

The Board Attorney explained the Resolution and appeal process of 45 days.

I. DISCUSSION

II. APPROVAL OF INVOICES

Motion: Arthur McQuaid
Second: Daniel Goodsir
All were in favor

III. APPROVAL OF MINUTES May 23, 2023

Motion: Michael DeJohn

Second: Arthur McQuaid

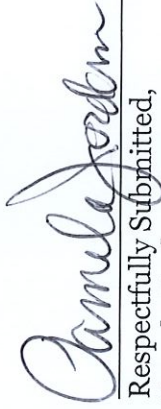
All eligible were in favor

Michael DeJohn, Arthur McQuaid, Frank Curcio

IV. ADJOURNMENT, 7:36PM

Motion: Stacy-Ann Webb

Second: Daniel Goodsir


Respectfully Submitted,

Pamela Jordan, Secretary
Zoning Board of Adjustment

Approved July 25 2023