

**TOWNSHIP OF WEST MILFORD
ZONING BOARD OF ADJUSTMENT
Regular Meeting Minutes
March 28, 2023
7:00 p.m.
MAIN MEETING ROOM OF TOWN HALL**

The meeting was called to order at 7:10 Pm

The Secretary read the legal notification.

ROLL CALL
7:05 PM

Present: Michael DeJohn, Daniel Jurkovic, Arthur McQuaid, Frank Curcio, Russell Curving, Daniel Goodsir
Also Present: Pamela Jordan, Board Secretary, Stephen Glatt, Esq., Attorney, Patrick McClellan, Engineer, Kenneth Ochab, Planner
Absent: Peter McGuinness, Michael Hensley, Stacy-Ann Webb,
Late:

6 regular members present, Daniel Goodsir was appointed as a voting member.

The Board Attorney gave the Oath of Office to Arthur McQuaid as Citizen #4

The Board Chairman opened the floor to nominations for Vice Chairman of the Board. Daniel Jurkovic made a **motion** to nominate Arthur McQuaid, **second** by Russell Curving.
Yes: Michael DeJohn, Daniel Jurkovic, Frank Curcio, Russell Curving, Arthur McQuaid, Daniel Goodsir

No: None

Abstain: None

I. MEMORIALIZATIONS

RESOLUTION 8-2023

**CANDICE SMITH & JOSEPH GAFFNEY
Bulk Variance Application # ZB 09-22-17**

34 Rocky Point Road

Block 3512 Lot 11 Zone R-1

APPROVED, Bulk Variances; for an addition / alteration to an existing dwelling and proposed new 280 sf garage to include **Side yard (right) & Building lot coverage**

ACCESSORY BUILDING, Front yard setback & Side Yard setback

Daniel Jurkovic made a **motion** to approved Resolution 8-2023, **second** by Russell Curving

Complete: 01/23/2023

Decided: 02/28/2023

Eligible to Vote

Yes: Michael DeJohn, Daniel Jurkovic, Frank Curcio, Russell Curving, Daniel Goodsir

No: None

Abstain: None

RESOLUTION 9-2023

MICHAEL GOBEL

Use & Bulk Variance Application # ZB 12-22-21

155 OAK RIDGE ROAD

Block 15901 Lot 11 Zone LMI

APPROVED, Use Variance for the expansion of a pre-existing nonconforming residential home in the LMI zone.

Complete: 02/14/2023

Decided: 02/28/2023

Bulk Variance for Lot frontage, Side yard setback , Rear yard setback, impervious coverage and building coverage.

Daniel Jurkovic made a **motion** to approved Resolution 8-2023, **second** by Russell Curving

Eligible to Vote:

Yes: Michael DeJohn, Daniel Jurkovic, Frank Curcio, Russell Curving, Daniel Goodsir

No: None

Abstain: None

I. CARRIED APPLICATIONS

CARRIED TO APRIL 18, 2023

GREG FITZGERALD

ZB 12-22-22

1892 Greenwood Lake Turnpike

Block 3705 Lot 7 Zone LR

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

Complete: 01/06/2023

Deadline: 05/06/2023

Fitzgerald matter is carried until April 18, 2023. The Applicant is not required to notice again.

II. NEW APPLICATIONS

TIM SULLIVAN MICHAEL DWYER

Bulk Variance No.: ZB 12-22-21

66 Glendale Road

Block 3004 Lot 14 Zone LR

SEEKING, front yard setback where 40 feet is required, 28.3 exists, 28.3 is proposed and **side yard setback** where 30 feet is required, 15.73 exists, 15.73 is proposed for an 11 ft x 17 ft first floor addition for a bedroom, laundry room and office and a new second floor addition to the front of the house to include a new master bedroom, walk in closet and bathroom.

Complete: 03/02/2023

Deadline: 06/30/2023

Mr. Sullivan and Mr. Dwyer were sworn in by the Board Attorney. Mr. Sullivan stated the following; the bathroom in their home is tiny 3 feet x 9 feet, described, they entertain often and will be retiring soon. Behind the house is a cliff. There is no room to expand to the back of the house.

Stated by the Board Planner - The addition will not change setbacks. The existing side yard and front yard setbacks are existing nonconforming. The variances kick in because of the expansion of the nonconforming, no other variances are being requested. This Application could fall under a C1 Variance (hardship) due to property restraints or C2 Variance benefits outweigh the detriment, upgrading an existing home to improve and enhance the neighborhood.

The home is a log built. The outside will be painted.

The Chairman opened the application to the public.

Seeing no one, Arthur McQuaid moved to close, second by Russell Curving.

Yes: Michael DeJohn, Daniel Jurkovic, Frank Curcio, Russell Curving, Arthur McQuaid, Daniel Goodsir

Mr. Jurkovic stated the dwelling is situated where it is. The slope of the property is steep in the Back. The renovations would improve the neighborhood.

Daniel Jurkovic made a motion to approve ZB 12-22-21, 66 Glendale Road for a front yard variance and side yard setback for the addition for reasons stated, second by Michael DeJohn.

Yes: Michael DeJohn, Daniel Jurkovic, Frank Curcio, Russell Curving, Arthur McQuaid, Daniel Goodsir

No: None

Abstain: None

The Board Attorney explained the Resolution would be memorialized at the next meeting, there was a 45 day appeal period following the memorialization and advertising – any work was done prior is at the risk of the applicant.

DOMINIC & VIKTORIJA FORTINO

Bulk Variances No.: ZB 01-23-02

23 Upper High Crest Drive

Block 13101 Lot 8 Zone LR

SEEKING, front yard setback where 30 feet is required, 18.6 exists, 18.1 is proposed, **lot coverage** where 10% is required, 7.7 exists and 12.6% is proposed, **deck setback** where 15 feet is required and 12.5 is proposed.

Complete: 03/03/2023

Deadline: 07/01/2023

Dominic and Viktorija Fortino of 23 Upper High Crest Drive came forward and were sworn in by the Board Attorney. Mr. Fortino stated; Viktorija grew up in the High Crest neighborhood, her parents currently reside in the same house she grew up in. Viktorija's sister lives in the same community. They would like to stay near family and raise their kids in High Crest Lake. Surrounding homes are significantly larger than theirs. The lot is undersized. (shown on page A1) of the plans. The width of the property is 80 feet wide. The lot is 13,128 square feet. The addition will enhance the neighborhood and be a better fit aesthetically. Adding gables to the house will modernize the appearance increasing the value to the home and community. The expansion would allow for a larger master bedroom and add a walk in closet.

Mrs. Fortino stated; the existing deck will be removed where the great room is proposed, a small 6 foot x 6 foot deck is proposed to the side to fit a grill. The narrow lot and lot size create a hardship for expansion. Surrounding lots with similar features have much larger homes.

The Board Planner described the addition as going out the back over the back patio (will remain). No further expansion to the side is proposed with the exception of the deck with a 12.5 foot setback.

The zoning denial letter prepared by the West Milford Zoning Officer used the old R1 zone first then used the LR Zone.

Mr. Gerst came forward from the spectator chairs and was sworn in by the Board Attorney stating; he is the West Milford Zoning Officer. Setbacks for decks are measured - half of the set back required for a dwelling.

The Chairman opened the application to the public.

Seeing no one, Arthur McQuaid moved to close, second by Michael DeJohn.

Yes: Michael DeJohn, Daniel Jurkovic, Frank Curcio, Russell Curving, Arthur McQuaid, Daniel Goodsir

The Board Attorney Pointed out, Mrs. Fortino had indicated some of the neighbors, in response to receiving the public notice, had written a response – The Board could not consider the letters, their content and did not view them as it would be here say. The Board could consider that no one appeared to object to the application.

Mr. Jurkovic stated; The Application requests a C Variance. C1 criteria addresses the undersized Lot. C2 criteria addresses the surrounding neighborhood and the addition bringing the Applicants home to the standard of the other homes. The addition will not be visible from the street. Improvements to the home will increase the value. The variances are di minimus. The deck setback is consistent with the house. Code for decks measured differently. The property is narrow and irregularly shaped.

Daniel Jurkovic made a **motion** to approve ZB 01-23-02, 23 Upper High Crest Drive for front yard setback, lot coverage and deck setback, **second** by Russell Curving.

Yes: Michael DeJohn, Daniel Jurkovic, Frank Curcio, Russell Curving, Arthur McQuaid, Daniel Goodsir

No: None

Abstain: None

The Board Attorney explained the Resolution would be memorialized at the next meeting, there was a 45 day appeal period following the memorialization and advertising – any work was done prior is at the risk of the applicant

CANNABIS ORDINANCE

The Board Attorney and Planner feel it important to make a presentation to the Board regarding the current Cannabis Ordinance and regulations and how they would apply to applications moving forward. The presentation will be placed on the April 18, 2023 Agenda.

INVOICES

Russell Curving made a **motion** to approve professional invoices, **second** by Daniel Jurkovic.

Yes: Michael DeJohn, Daniel Jurkovic, Frank Curcio, Russell Curving, Arthur McQuaid, Daniel Goodsir

MINUTES

Michael DeJohn made a motion to approve February 28, 2023 meeting minutes, second by Daniel Jurkovic.

Yes: Michael DeJohn, Daniel Jurkovic, Frank Curcio, Russell Curving, Daniel Goodsir

Frank Curcio made a motion to adjourn, second by Daniel Jurkovic.

All were in favor

7:56 PM



Respectfully Submitted,
Pamela Jordan, Secretary
Zoning Board of Adjustment

Approved April 18, 2023