

**TOWNSHIP OF WEST MILFORD  
ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
May 23, 2023  
7:00 p.m.  
MAIN MEETING ROOM OF TOWN HALL**

The meeting was called to order at 7:16 PM

The Secretary read the legal notification.

**ROLL CALL**

**7:16 PM**

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

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

**Absent:** Peter McGuinness, Stacy-Ann Webb, Daniel Goodsir

**Late:**

Six member Board

The Chairman read the opening statement.

The Board Attorney stated the Resolution for the Fitzgerald Matter would be memorialized at the June Meeting.

**I. MEMORIALIZATIONS**

**II. NEW APPLICATIONS**

**MICHAEL BETTS**

**ZB 01-23-01**

**97 forest Hill Drive**

**Block 14113 Lot 29 Zone LR**

**SEEKING, Bulk Variance(s)**

**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.

Mr. Barbarula, Attorney for the Applicant, stepped forward calling the Engineer for Applicant, David Hals, with an office located on Littleton Road in Parsippany, New Jersey. Mr. Hals was sworn in by the Board Attorney. Mr. Hals stated he is a licensed professional engineer, land surveyor and planner in the state of NJ and has testified before many Boards in NJ.

Mr. Hals stated he is familiar with the subject property. Mr. Hals described the property (using a board and easel) referencing Plot Plan Block 14113 lot 29, previously submitted for review. Stating, the property is located at the northerly end of the culdesac of Forest Hill Drive. There is a single family home on the property. The property is long and narrow consisting of 32480 sq ft., located in the LR zone.

**Exhibit A1**, consisting of 3 pages with 6 photographs.

Mr. Hals stated;

He took the photographs, the property contains a 1 story building located closer to the easterly property line. The property extends to the rear toward Forest Hill Drive almost 400 feet. Photo #2 on page 1 – shows a rise in elevation with topographic restraints. The property has significant rock out cropping and a steep slopes. Land conditions dictate where the septic and well can be located. Soil tests were conducted on the property. The septic system design has been accepted by the “Board of Health” and is located off the culdesac, (left) south west corner of the property. The existing home is a smaller footprint than what is proposed. Photo 3, shows white lattice (the front wall of the house) the proposed build will match this wall. The proposed setback is 9.5 feet. The foot print will expand to the South toward Forest Hill Drive and a deck to the North side of the house. The lot has a substandard lot frontage (80.79 ft where 120 ft is required) and substantial lot width (101.5 where 120 ft is required). The house is proposed with 2 bedrooms. The house was designed to fit into the topographic restraints. This is a classic C 1 variance.

There are 3 permits required, septic system (obtained). The property is located in a wetland transition area and flood hazard riparian zone. Permits have been filed for wetlands and

disturbance of the riparian zone. The entire property is not within a flood hazard area. DEP has asked for minor revisions. The driveway will be relocated within the property line.

The Board Planner stated the deck setback requirement is 1/2 of the side yard.

The deck shall be added to the zoning table. Upon approval from the DEP, revised plans will be submitted for signature.

- Septic (approved)
- Wetland buffer – within 50 feet
- Riparian disturbance

Wall details shall be provided and listed as a condition of approval.

Total disturbance on site is approximately 7500. The DEP has not requested storm water management.

The City of Newark owns adjacent lot, not a viable option for purchase.

The Chairman opened the Application to the public.

Seeing no one Arthur McQuaid made a motion to close the public portion, second by Daniel Jurkovic.

**All were in Favor**

In closing, Mr. Barbarula stated this is a classic C1 Application.

Board members discussed the dilapidated condition of the existing house. The Variance would allow for the property to be properly developed and enhance the neighborhood. There does not appear to be any impact on the surrounding properties. The property is challenged with steep slopes and the location of a house is limited.

Arthur McQuaid made a **motion** to approve the application for Bulk Variance for side yard setback and deck setback stating testimony shows this is the best use of the property, **second** by Daniel Jurkovic.

**Roll Call Vote:**

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

**No:**

**Abstain:**

Russell Curving made a **motion** to approve invoices, **second** by Michael Hensley.

**All were in Favor**

Daniel Jurkovic made a motion to approve April 18, 2023 meeting minutes, second by Russell Curving

**All were in Favor**

The Board Attorney reminded members of the Board, the June meeting was moved from June 27 to June 20.

Arthur McQuaid made a **motion** to adjourn, **second** by Michael Hensley.

7:50 PM



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Respectfully Submitted,  
Pamela Jordan, Secretary  
Zoning Board of Adjustment

Approved June 20 2023