

**MINUTES**  
**Of the Township of West Milford**  
**ZONING BOARD OF ADJUSTMENT**  
**January 25, 2022**  
**Regular Meeting via Zoom**

(Due to COVID-19 social distancing requirements this virtual meeting was held on Zoom.) Robert Brady, Board Chairman, opened the Zoom Meeting of the Zoning Board of Adjustment at 7:33 p.m. The Board Secretary read the Legal Notice.

7:31 PM

**LEGAL**

*In accordance with Chapter 231, Public Laws of the State of New Jersey of 1975, adequate advance notice of this meeting was sent to the Herald News for publication, is posted on the Bulletin Board in the main corridor of Town Hall and is on file in the Township Clerk's Office.*

**ROLL CALL**

**Present:** Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Michael DeJohn, Peter McGuinness, Robert Brady  
**Also Present:** Pamela Jordan, Board Secretary, Steven Glatt, Esq., Kenneth Ochab, Patrick McClellan  
**Absent:** Russell Curving

**The Pledge of Allegiance was recited**

The Chairman greeted the Board, the applicants and any members of the public. Mr. Brady explained the Zoning Board and Open Public Meetings Act, the social distancing requirements as a result of Covid-19, and the reason that the meeting was being conducted by electronic means via ZOOM. The meetings are advertised in the Herald News and on the Township website. 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.

**MEMORIALIZATIONS**

**ABBY SHIFFLER and AMY TRIPOLD**  
**RESOLUTION No. 4-2022**  
**BULK VARIANCE ZB09-21-17**  
Block 3102 Lot 6  
16 Quigley Road; LR zone

**Decided:** Approval for a side yard setback and a rear yard setback for construction to increase the rear portion of the existing dwelling to two stories – Adding a bathroom to the upstairs, extending over the kitchen.

**Approved:** December 21, 2022

**A motion was made by Dan Jurkovic and second by Michael Gerst to approve Resolution No. 4-2022**

Roll call vote: Linda Connolly, Frank Curcio, Arthur McQuaid, Frank Curcio, Michael Gerst, Michael DeJohn, Robert Brady

(No change in status)  
**RANDA INVESTMENTS**  
**RESOLUTION 13-2018 (Original and Amended Applications)**  
**USE AND BULK VARIANCE ZB02-18-02**  
Block 7601; Lot 2  
1463 Union Valley Road; VC Zone

**Decided:** Denial of a use variance application for a 10 Unit (Amended to 8 Units) Townhouse/Apartment complex in the village commercial zone (VC)

**Denied:** July 24, 2018 (and April 23, 2019 Amended Application)  
**Eligible to vote:** (Original Application) Russell Curving, Frank Curcio, Arthur McQuaid, Steven Castronova, Robert Brady, Michael Gerst  
(Amended application) Russell Curving, Frank Curcio, Arthur McQuaid, Robert Brady, Michael Gerst

**NEW APPLICATIONS**

**CRAIG JORGENSEN**  
**BULK VARIANCE ZB09-21-18**  
**Block 2601 Lot 13**

**Complete: November 3, 2021**  
**Deadline: 03/03/2022**

131 Point Breeze Drive; LR zone

Applicant seeks a Bulk Variance for front yard setback where 40 feet is required 26.73 is existing and 22.4 is proposed (does not conform), side yard setback (R) where 30 feet is required 3.83 feet is existing and 3.83 proposed (does not conform), side yard setback (L) where 30 feet is required, 9 feet is existing and 9 feet is proposed (does not conform), lot coverage where 10% is required 26.6% is existing and 32% is proposed (does not conform), and other variance relief as the Board deems necessary for the **construction of a front and side deck with a roof and with disability access.**

The Board Attorney appointed Alternate Mr. McGuinness in place of Mr. Curving hear and vote on this Matter.

Mr. Craig and Mrs. Denise Jorgensen were sworn in stating their name and address - 131 Point Breeze Drive, Hewitt, NJ.

Mr. Jorgensen stated he was disabled and was seeking approval to construct a handicap accessible deck. The Applicant has lived in this home since 1977. There are stairs, not a ramp in front of the home. The existing deck is temporary and does not have footings. The lot size is small and some terrain is steep. There is an existing side porch with a side entry door where the access ramp (removing the steps) is proposed. The new construction adds a roof for protection from weather and adds safety for access and deliveries to the access door. The described (uncovered) catwalk continues along the house providing disability access to the existing wood deck in the rear.

The nearest neighbor is approximately 3.8 feet away. A 6 foot fence is located at the property line. Behind the fence is an evergreen tree buffer line approximately 18 feet tall with no negative impact to the neighbor.

The proposed porch would extend 5 feet in the front yard. The existing stairway extends 3.8 feet on the side and will continue along the house to the entry door (requiring a side yard setback). The proposed construction is attached to the principal building adding to Lot coverage, requiring a lot coverage variance. All parking is on the street. There are no other changes proposed to the property.

The Applicant stated that the neighbors have been improving their homes with porches indicated they would like to bring curb appeal to their home.

The Chairman opened the Application to the public in accordance with the NJ State Open Meetings Act. **Seeing no one moved to close by Michael Gerst and second by Arthur McQuaid.**

**Roll Call: Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Michael Gerst, Robert Brady**

The Board Engineer stated this was a de minimis application with no noticeable change or impact from an engineering perspective. The Board Engineer made a recommendation for downspouts to point away from the neighbor's property.

The Board Planner indicated the neighborhood was uniform in that all vehicular activity and garages were located in the front of the property and the back was mainly recreational use. The Applicant is not seeking additional living space. There would be no impact on well and septic. This Application is for health purposes. There is criteria to look positively on the Application.

**A motion was made by Dan Jurkovic to approve Variance Application BULK VARIANCE ZB09-21-18 front yard Side yard and lot coverage with the adjusted dimensions provided by the Board Planner and second by Michael Gerst.**

**Roll call:**

**Yes: Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Michael Gerst, Michael DeJohn, Peter McGuinness, Robert Brady**

The Board Attorney informed the Applicant the resolution would be approved at the next meeting, published in the newspaper, followed with a 45-day appeal period. Any action taken on the property prior to the 45 day appeal period is done at the risk of the applicant.

**SCOTT AND JEANNINE MOONEY  
BULK VARIANCE ZB10-21-19  
Block 7801 Lot 63  
15 Beacon Hill Road R-1 Zone**

Applicant seeks a Bulk Variance for minimum side yard setback where 15 feet is required, 21.5 feet exists and 10 feet is proposed to add **an additional one car garage with storage room above.**

The Board Attorney swore in the Applicants, Scott and Jeannine Mooney – 15 Beacon Hill Road in West Milford NJ.

Board Member Dan Jurkovic recused himself from the hearing the Application. Mr. DeJohn will be voting on this Application. Mr. McGuinness is voting in place of Russell Curving.

The Applicant Mr. Mooney stated that he would like an additional garage with storage on the existing dwelling. The home is one of two out parcels located in the Bald Eagle Village Development. The home is on a corner lot with setback restrictions. The addition would add a garage to the right of the existing one car garage with a bonus room above both garages.

The Board Planner stated the Mooney home is a single family home. The home is hooked up to the Bald Eagle sewer system. The home is not part of the Bald Eagle Association. The home is subject to R1PN guidelines. The Applicant is seeking a side yard setback. No additional work is required to the driveway.

The walk up storage above the garage is for the Applicants business and home items. There will not be living quarters above the garage. There is not available property for the Applicant to purchase to alleviate the need for a Variance.

The Board Engineer stated this was a straight forward, simple application from an Engineering perspective.

The Chairman opened the Application to the public in accordance with the NJ State Open Meetings Act. **Seeing no one moved to close by Michael Gerst and second by Arthur McQuaid.**

**Roll Call:**

**Yes:**

**Linda Connolly, Arthur McQuaid, Frank Curcio, Michael Gerst, Michael DeJohn, Peter McGuinness, Robert Brady.**

**A motion was made by Pete McGuinness and a second by Frank Curcio to approve Application ZB10-21-19 Siting the proposal was cosmetically nice looking and fit into the zone.**

**Roll Call:**

**Yes:**

**Linda Connolly, Arthur McQuaid, Frank Curcio, Michael Gerst, Michael DeJohn, Peter McGuinness, Robert Brady.**

The Board Attorney informed the Applicant the Resolution would be approved at the next meeting, published in the newspaper and followed with a 45-day appeal period. Any action taken on the property prior to the 45 day appeal period is done at the risk of the applicant.

Dan Jurkovic is present for the Gallo matter.

**MICHELE A. GALLO  
BULK VARIANCE ZB10-21-24  
Block 2611 Lot 16  
64 Racetrack Road LR Zone**

Applicant seeks a Bulk Variance for Font Yard location, side yard setback(s) where 5 feet is required and -0.3 feet is existing and proposed, distance from existing pre-fab shed and another existing 4 foot x 8 foot shed where 15 feet is required and 4 feet exists and is proposed and such other variance relief as the Board may deem necessary for permission to leave an existing 10 foot x 10 foot non conforming shed, shed in place.

The Board Attorney swore in the Applicant, Michele Gallo of 64 Racetrack Road. Ms. Gallo stated she is a resident of 16 Racetrack Road for 19 years. The property is long and narrow. There was an existing 10' x 10' railroad tie "base" on the property "assumed" to have had a shed on it at one time. In 2017 the Applicant purchased a 10' x 10' shed. The shed is to store outdoor equipment and their recreation vehicle. The shed was placed on the existing railroad tie base. There is a downward slope in terrain to the right of the property (facing the house).

The Board Planner stated the property is unique. Racetrack road wraps around the property causing two front yards in terms of zoning. Being a through lot, there is not a location to place the shed that would not be in the front yard.

The Board Attorney indicated his concern - according to drawings, one of the sheds is over the property line, technically the Board cannot grant a variance to allow a party to keep a structure on someone else's property. The Board Attorney asked if the shed could be moved or have an agreement with the neighbor.

There are two sheds on the property. Both sheds are located .03 feet over the property line.

Ms. Gallo stated a letter from a neighbor stating no objection to the shed in the current location (shown on the survey) was submitted with the Application. Ms. Gallo read a letter from Mr. Edward Grala and Mrs. Donna Grala - residing at 60 Racetrack Road indicating no objection to the location of the shed stating that it backs up to their shed and does not impede on views or deny future use.

The Board Attorney indicated the letter would need to be adjusted to name both sheds and acknowledge (per the notice) that each shed is .03 feet over the property line and does not cause a problem. In the event of a sale of either property the Resolution for this matter should be recorded with a copy of said letter and attached. If an issue were to arise, Ms. Gallo would have to resolve the issue with the neighbor. Ms. Gallo did not have objection to the statement.

The Board Planner stated the Variances to be considered are for accessory buildings in the front yard, side yard setbacks and existing distance of 4 feet apart, not the required 15 feet apart.

The Chairman opened the Application to the public in accordance with the NJ State Open Meetings Act. **Seeing no one moved to close by Michael Gerst and second by Arthur McQuaid.**

**Roll Call:**

**Yes: Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Peter McGuinness, Robert Brady.**

A motion was made by Michael Gerst to approve BULK VARIANCE ZB10-21-24 for 2 existing sheds and second by Arthur McQuaid for the reasons of limited property width, two front yards, comments made by the Board Attorney and Board Planner, the pending revised neighbor support letter that is to be recorded with the Resolution for this Matter.

**Roll Call:**

**Yes: Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Peter McGuinness, Robert Brady.**

The Board Attorney informed the Applicant the Resolution would be approved at the next meeting, published in the newspaper and followed with a 45-day appeal period. Any action taken on the property prior to the 45 day appeal period is done at the risk of the applicant

**LV ONE, LLC**  
**BULK VARIANCE ZB10-21-25**  
**Block 10817 Lot 11**  
(35) Lakeview Ave LR Zone

Applicant seeks a Bulk Variance for Lot size where 20,000 feet is required and 11,171 feet is existing, lot frontage where 120 ft is required and 115.26 ft is existing, lot width where 120 ft is required and 108.17 ft is existing, lot depth where 120 ft is required and 100 ft is existing, front yard where 40 ft is required and 26.5 is proposed, side yard where 30 ft is required and 17 ft is proposed, rear yard where 60 ft is required and 39 ft is proposed and building coverage where 10% is required and 16.72% is proposed to construct a one store single family dwelling to include a driveway, garage and patio.

The Board Attorney swore in the Applicants Mr. Paul Bultmeyer and Helen Bultmeyer 500 Center Avenue, Westwood NJ and Andrew Holt Principal with Suburban Consulting Engineers for 24 years.

Attorney for the Applicant, Steven Schepis described (35) Lakeview as part of the development, Lindy's Lake in the LR Zone, approximately 11, 171 sq feet. The Lot was originally two plots under common ownership, never developed. By operation of law the two lots were merged under the undersized lot merger doctrine.

The Applicants would like to build a one story ranch style house on the property to be close to family and accommodate their current one story lifestyle. The Applicants have been visiting their niece, husband and children for four years. Mrs. Bultmeyer's sister lives in nearby Pinecliff Lake. Mrs. Bultmeyer is a Real Estate Agent with Caldwell Banker. The Bultmeyer's are under contract to purchase (35) Lakeview Ave. Mrs. Bultmeyer indicated this road is maintained by the town.

Mr. Holt stated he is a licensed professional Engineer since 1994 and Licensed Professional Planner since 1999. Mr. Holt has appeared before various Boards throughout NJ. Mr. Holt holds a Bachelors Degree in Civil Engineering and a Masters in Environmental Engineering.

Mr. Holt is familiar with and assisted with plans based on a current survey prepared by Styer Associates from August 2021.

Mr. Holt shared his screen, (Exhibit A1 aerial map January 25, 2022) showing a topographic map generated from a subscription service, Nearmap. The subject lot 11 highlighted in red, is 11, 171 sq ft lot -- approximately 100 ft wide x 100 ft deep. The map depicts various setbacks from the existing developed parcels surrounding the property. The parcel is undeveloped, wooded and has a slope in an Easterly direction down from the left to the right corner. Nearby lots contain single family homes. The Community Center property abuts lot 11. Prevalent setbacks are 26-38 feet from the right of way with a home across the street at 12 feet from the right of way.

Mr. Holt shared the Site Improvement Plan, Revision B, dated 12/16/2021. The proposed home is rectangle in shape, approximately 27 1/2 feet deep x 64 feet wide with a single car garage. The plans show a patio, porch and stairs with access from the driveway on the left. A drywell for roof runoff, soil logs in the rear to address the suitability for a subsurface disposal plan, minor landscaping and the 14 ft (w) driveway are shown. Widening the driveway to 20 feet (w) could accommodate 2 or more cars off the (described as narrow) road.

Mr. Holt stated NJSA70:55D35 (The need to have a building lot abutting a street) Lakeview Avenue is shown on the Township official map as a private street, the West Milford tax map indicates it has a 30 foot ROW. Mr. Holt stated literal enforcement of the statute would be a hardship for the applicant. Sub chapter 36 would allow for relaxation of this requirement (the road is suitable for emergency service and currently meets the needs of the homes on the street).

The front yard setback requires a minimum of 40 feet, 26 1/2 feet is proposed. Mr. Holt indicated, the majority of the house would be set back more than 32 feet, the porch section brings the structure 6 ft further out. The rear yard setback is 60 feet. Lot depth is 100 ft. It is impossible to eliminate front or rear yard setbacks. The ordinance requires a 30 ft side yard setback. Property to the North (right side of the home) maintains in compliance. The position of the home triggers a side yard setback on the Southern (left side of the home) of 17 ft and bordering undeveloped land. Building coverage allowed is proposed to exceed the permitted 10% , increasing coverage to 16 1/2%. Mr. Holt indicated this home is moderate and is consistent with lots and house size in the immediate area.

The proposed home is modular. Mr. Holt shared a floor plan from the manufacturer of a similar floor plan and design. (Exhibit A2 Logan 2)

Mr. Gerst made a motion for a 10 minute break and Mr. McGuinness second.

**Roll Call:**

**Yes:** Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst,  
Michael DeJohn, Peter McGuinness, Robert Brady. 9:11 pm

**Returned:** 9:23 pm

Mr. Holt shared the map for Lindy's Lake derived from the title search and appeared to be dated "1920 or so" (Exhibit A3-two sheets). Highlighted in red on sheet 2 - two lots 7 & 8 / 291 and 293 now lot 11. The recorded present owner deed, dated July 30, 2010 located in TRACT 2, recorded in 2010 with the Passaic County Clerk (Exhibit A4) describe how the parcel was established.

The Applicant stated a letter was sent to the Municipality requesting to purchase adjoining land and discovered the land had been sold to the Lindy's Lake Association. The Association was not interested in selling at this time.

The West Milford Master Plan, Goal (#6) the objective is to preserve the character of the existing lakes communities. Mr Holt stated this project is the exact example of what the Master Plan anticipated for the Lakeside Residential zone.

The Board Planner indicated he has been to the site. Lot 11 is the last undeveloped property on Lakeview. This property would fit in well with the neighborhood. The lot size is consistent with the pattern of the neighborhood. The property is in need of attention and maintenance. A member of the Board agreed with the Planner and supported the Application. Junior species will be removed due to grading. The Board Planner requested landscaping should be considered to maintain the buffer.

The Board Engineer stated Mr. Holt addressed 7 requests in his review memo and was satisfied.

Mr. Shepis acknowledged receipt of a memo from the Board of Health. Mr. Holt stated the Applicant would address the comments separate from this process. The septic soil analysis was complete and a concept is in place. Any approval from the Board would be contingent upon satisfying all of the comments and agencies.

## **The Chairman opened the Application to the public in accordance with the NJ State Open Meetings Act.**

Now Appearing from the public, John Robert Patterson of 565 Otterhole Road, West Milford. Mr. Patterson addressed Mr. Holt pertaining to the expansion of the driveway and his concern with on street parking. Mr Holt indicated that with the driveway expansion there would be space for 4 cars and one in a garage bay. Mr Patterson was concerned with drainage and runoff from the Bultmeyer's proposed dwelling. Mr Holt stated the size of the lot and the extent of development proposed would not adversely create a significant change in runoff that would affect the properties. Mr. Patterson asked how the well and septic would be addressed with the lot size. The home and proposed septic are situated near the other septic in the neighborhood. The properties on Maple Road wells are in the front near Maple Road with the septic in the rear. The proposed dwelling located the septic in the rear away from Lakeview Avenue with the well in front near the road. The code will allow for lessening of the required 100 ft. separation when certain standards and conditions are followed with the installation of the well to accommodate the lot size and comply with health codes. Wells existing within 100 ft of the septic will require verification of casing and conditions. The Health Department has jurisdiction.

Now appearing from the public, Mr. Ian Harris 572 Otterhole Road was sworn in by the Board Attorney. Mr. Harris stated he resides directly across from the subject property. Mr. Harris indicated his concerns pertaining to the well and septic had "pretty much alleviated". Mr. Harris asked if there was a test how the water supply could be affected with the addition of a new home. Mr. Holt indicated records could be looked into and potential interference could be discussed. Nothing would happen without confirmation of what the water supply was. Mr. Holt stated the home would be equipped with state of the art water saving fixtures.

**Seeing no one moved to close by Michael Gerst and second by Arthur McQuaid.**

### **Roll Call:**

**Yes: Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Peter McGuinness, Robert Brady**

Mr. Shepis stated the proposed is quite small and will fit in the neighborhood and compatible with the pattern and development with the neighbors.

Dan Jurkovic made the motion to approve BULK VARIANCE ZB10-21-25 for the Variance(s) sought to construct a one story, single family dwelling including a driveway, garage and patio subject to other related jurisdiction to the Board. The driveway should address driveway and appropriate landscaping addressed by the Planner and second by Gerst.

### **Roll Call:**

**Yes: Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Peter McGuinness, Robert Brady**

**A motion was made by Dan Jurkovic to approve professional invoices and second by Pete McGuinness.**

### **Roll Call vote:**

**Yes: Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Michael DeJohn, Peter McGuinness, Robert Brady**

### **Litigation**

No Changes

A motion was made by Michael Gerst to approve Minutes for the December 21, 2021 meeting and second by Frank Curcio

### **Roll Call vote:**

**Yes: Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Michael DeJohn, Robert Brady**  
**Abstain: Pete McGuinness**

### **DISCUSSION**

The Board briefly discussed zoom and in person meetings and agree it was decided to continue by zoom

meetings for the first quarter of 2022.

The next meeting is February 22, 2022 at 7PM via ZOOM

The Chairman reminded Board members the value and importance of attending the Land Use Courses.

**A motion was made by Michael Gerst and second by Dan Jurkovic to adjourn the January 25, 2022 meeting.**

**Roll Call vote:**

**Yes:**

Linda Connolly, Dan Jurkovic, Arthur McQuaid, Frank Curcio, Michael Gerst, Michael DeJohn, Robert Brady

**Adjourned 10:21 PM**

  
Respectfully Submitted  
Pamela Jordan