

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**REGULAR AGENDA**

**May 28, 2009**

**7:30 p.m.**

**Main Meeting Room of Town Hall**

**LEGAL**

*In accordance with Chapter 231, Public Laws of 1975 of the State of New Jersey, adequate advance notice of this Regular meeting was published in the Herald News. A copy has been filed with the Township Clerk's office and posted on the bulletin board in the main corridor of the Town Hall. The main meeting room is ADA accessible; special needs can be accommodated by contacting the Planning Board at (973) 728-2798.*

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Regular Members: Mayor Bettina Bieri, Steven Castronova, Richard McFadden,  
Douglas Ott, Chris Rosica, Clinton Smith, Geoffrey Syme,  
Councilman Philip Weisbecker  
Alternates: Michael Siesta, Kerry Goceljak  
Board Chairman: Andrew Gargano  
Board Attorney: Thomas Germinario, Esq.  
Board Engineer: Paul Ferriero, P.E.  
Board Planner: Charles McGroarty, P.P.

**PUBLIC PORTION**

Up to half-hour reserved.

**PRESENTATION**

**WEST MILFORD MUNICIPAL UTILITIES AUTHORITY  
Awosting Wastewater Treatment Plant Upgrade and Bald Eagle Village  
Wastewater Treatment Plant Sludge Holding Tank Replacement**  
“D-31” Information Presentation As Required By M.L.U.L.

**APPLICATIONS**

**TIME EXTENSIONS**

**RICHARD SLIFER**

**Preliminary and Final Site Plan #0620-0260AB**

Block 15701; Lot 34

5 Allison Avenue; HC Zone

**Seeking:** A One-Year Time Extension for Final Site Plan Approval.

**PENDING APPLICATIONS**

***\*Carried to June 4, 2009***

**1952 UNION VALLEY ROAD, LLC  
Preliminary & Final Site Plan #0820-0167AB**

*Complete: September 8, 2008  
Decision By: July 2, 2009*

Block 3601; Lots 1 & 3

1952 Union Valley Road; CC Zone

**Seeking:** Preliminary and final site plan approval and variance relief for the removal of an existing structure and the construction of a new deli/convenience store with two apartments.

**NEW APPLICATIONS**

**NEW BUSINESS**

**Executive Session**

Resolution No. 2009-12

Potential Litigation – Levkovitz

**Amendment of Planning Board Planner 2008 Contract**

**MEMORIALIZATIONS**

**RESOLUTION 2009-11**

**AUTHORIZING AMENDMENT OF CONTRACT FOR PROFESSIONAL SERVICES  
FOR CHARLES T. MCGROARTY, P.P. – BANISCH ASSOCIATES**

Amendment of 2008 Contract in the amount of \$170.00, for a total not to exceed amount of \$15,170.00.

**ORDINANCES FOR INTRODUCTION**

**ORDINANCES REFERRED FROM COUNCIL**

**PLANNING BOARD PLANNER'S REPORT**

**Ordinance Revisions** - Discussion

**PLANNING BOARD ATTORNEY'S REPORT**

**PLANNING BOARD ENGINEER'S REPORT**

**MISCELLANEOUS**

**Approval Of Invoices – Board Professionals**

**Subcommittee Reports**

Master Plan Subcommittee

Ordinance Subcommittee

Building Design Subcommittee

Site Plan Committee

**MINUTES**

Approval of minutes of the March 26, 2009 and April 23, 2009 Regular Meetings of the Township of West Milford Planning Board.

## **COMMUNICATIONS**

1. Copy of a response letter to the NJ DEP – Bureau of Dam Safety from Anthony Patire of Marshall Hill LLC, dated April 17, 2009, requesting resolution of the issues for the West Milford Lake Dam.
2. Report from the Passaic County Planning Board regarding the Inserra West Milford/Shop Rite site plan, withholding approval until easement for sidewalks are obtained, revised plans indicating the centerline of the northern driveway, and receipt of a contribution of \$10,416.80 for the County corridor Enhancement program.
3. General Approval Renewal and Modification received from the NJ DEP for Skytop Recycling, Inc., Block 6002; Lot 34 for a Class B Recycling Center to allow 6 cubic yards of sheetrock.
4. Potable Well Water Analysis received from the NJ DEP dated April 21, 2009 received for the following:
  - Surjit Singh, 555 Warwick Turnpike, Block 703; Lot 3
  - Dennis and Julie DeBolfo, 7 Marlboro Road, Block 705; Lot 1
  - Karen & Darin Coslet, 551 Warwick Tpk., Block 703; Lot 2
  - Michael and Nancy Hunt, 23 Avon Road, Block 705; Lot 6
  - Dennis and Laurie Magee, 5 Smithville Road, Block 705; Lot 3
  - Ronald and Rene Gilbert, 10 Marlboro Road, Block 704; Lot 10
  - Walter and Heidi Mehlig, 8 Marlboro Road, Block 704; Lot 9
  - Joseph and Mirac Orzo, 600 Warwick Tpk., Block 902; Lot 1
  - Joseph and Marylynne McKee, 17 Allaire Road, Block 601; Lot 15
  - John and Patricia Binko, 9 Smithville Road, Block 705; Lot 7
  - Henry and Kerry Tomasiewicz, 1 Smithville Road, Block 705; Lot 9
  - J & T O'Connell, 11 Smithtown Road, Block 705; Lot 4
  - Frank Shortino, 574 Warwick Tpk., Block 705; Lot 2
5. Notice of application to the NJ DEP for a Transition Area Waiver for Block 6204; Lot 16 for 83 McKinley Place regarding cutting and clearing of trees and placement of one or more buildings.
6. No Further Action and Covenant Not To Sue received from the NJ DEP for Patrick Walsh, Block 1503; Lot 4, 10 Alps Road.
7. No Further Action and Covenant Not To Sue received from the NJ DEP for Harold Newman, Block 4004; Lot 2, 176 Long Pond Road.
8. No Further Action and Covenant Not To Sue received from the NJ DEP for Carol Jordan of Hamburg for Block 7903; Lot 1, 12 Mickens Road.
9. Application for a Freshwater Wetlands General Permit #25 received on May 5, 2009 for Jeffrey Fulton, 40 Ponderosa Place, for repair of a septic system.
10. Notice of application for a General Permit #1 received from Public Service Electric & Gas Co. for Overhead Electric Transmission Rights of Way Maintenance – cutting and clearing of trees and vegetation, access road maintenance, tower foundation repairs.
11. Letter from the NJ DEP dated May 6, 2009 to Anthony Patire and Marshall Hill, LLC regarding the owners non-compliance with an acceptable implementation plan to bring the dam into compliance and providing a deadline to June 15, 2009 for submission of an acceptable implementation plan that includes detailed steps and schedule.
12. Environmental Commission recommendations for Open Space acquisition: Block 5008; Lots 1 & 2, Block 5301; Lot 45, and Block 5002; Lot 5.
13. Green Building Design & Energy Conservation Techniques – Seminar – William Paterson University, Tuesday, June 16, 2009, 8:30 – 12.

14. Notification from the NJ DEP dated May 14, 2009 to Paul Vanderveen, 1855 Macopin Road, that the violation issued on November 13, 2008 has been resolved.
15. Change in application to NJ DEP from LOI to Line Delineation received on May 15, 2009 for Beth and Yoram Rosen regarding Block 4901; Lot 15, 64 Kitchell Lake Drive.
16. No Further Action and Covenant Not To Sue received from the NJ DEP for Nicola Wronekin, Block 401; Lot 15.01, 16 Commanche Lane.
17. No Further Action and Covenant Not To Sue received from the NJ DEP for Joan Krause, Block 6604; Lot 11, 235 Ridge Road.
18. Notification of application for a Letter of Interpretation received on May 18, 2009 for Kristopher Schmerling, 138 Wooley Road, Block 10001; Lot 16, with regard to placement of one or more buildings on the subject lot.
19. Notification of an application to be made for a 5-year extension of a Letter of Interpretation received on May 19, 2009 for Steve Olsen (Apple Valley Estates LLC) for Block 9901; Lots 10, 11, 12, Union Valley Road.
20. Notification from the NJDEP dated May 19, 2009 to Eugene Hazelman regarding Block 12107; Lot 2, 778 Macopin Road, advising that the restoration of the site has been completed as required and the violation dated June 10, 2008 has been resolved.

#### **HIGHLANDS WATER PROTECTION AND PLANNING ACT**

1. Response dated April 28, 2009 to the DEP's request for additional information and revisions with regard to a Highlands Applicability Determination for Vincent Lanza, Vreeland Store, Block 9501; Lot 12, 1385 Macopin Road.
2. Revised Notice of Technical Incompleteness from the NJ DEP dated May 7, 2009 for Shoebox Storage, LLC, Block 16006; Lot 1.01, 140 Oak Ridge Road.
3. Additional information and maps received on May 7, 2009 that were provided to the NJDEP for the Tennessee Gas Pipeline 300 Line Project with regard to a Highlands Exemption Request for Sussex and Passaic Counties.
4. Highlands Exemption #5, Water Quality Management Plan-Consistent, received for Hazelman Gardens, Block 12107; Lots 2 & 3, 774 Macopin Road, with regard to construction of a greenhouse, fruit tree orchard, and vegetable gardens for personal use of owner.
5. Application notification for a Highlands Exemption received on May 15, 2009 for William Hart, Block 3508; Lot 6.

#### **ADJOURNMENT**