

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**Minutes
JANUARY 22, 2003
Regular Meeting**

Chairman, Michael Tfank, called the meeting to order at 7:45 p.m. with the reading of the legal notice.

ROLL CALL

Present: Robert Moshman, James O'Bryant, Edward Orthouse, Robert Szuszkowski, Andrew Tynan, Kurt Wagner. Alternate: Ada Erik, Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Paul Donoghue, George Spence. Alternate: Leslie Tallaksen.

The Chairman appointed Ada Erik to sit for Paul Donoghue.

PUBLIC PORTION

Richard Randazzo expressed concern about the environment and requested the Board impose a 6-month moratorium on development to help preserve the quality of life for the residents of the Township.

Celeste Byrne requested to address the Board regarding the Greene application on behalf of the Open Space Committee. The Board Attorney advised that this was not the appropriate time and informed her that their concerns should be expressed during the public hearing on the application.

Ken Veroli spoke about the draught and requested that Board consider the environment when making decisions on development.

As no one else wished to speak a **MOTION** was made by James O'Bryant, seconded by Ada Erik, to close the public portion. On voice vote all were in favor.

APPLICATIONS

KERRY GREENE

Preliminary Subdivision #0110-1910

Bulk Variance # 0130-0501

Block 10001; Lots 14, 19, 20, 23

Wooley Road; R-3 and R-4 Zones

Application for subdivision with variance relief requested to subdivide four existing lots to create 21 residential building lots.

COMPLETE: 05-13-02

DEADLINE: 01-22-03

Mr. Greene was present and requested the application be carried by the Board. Application carried to the February 26, 2003 at the applicant's request with no further notice required. A deadline extension to March 26, 2003 has been granted the Board.

MICHAEL & ROBERT VANDER PLOEG

Amended Preliminary Site Plan #9720-0042A

Final Site Plan #0220-0042F

Bulk Variance #0230-0560

Block 16006; Lot 1

16007 4

16008 3

140 Oak Ridge Road; CC/R-4 Zones

Request to amend preliminary site plan and receive final site plan approval for a self-storage facility. Report attached from the Board's Landscape Architect.

COMPLETE: 09-27-02

DEADLINE: 01-25-03

The applicants, Michael and Robert Vander Ploeg, and Christine Vander Ploeg appeared with their engineer, Douglas McKittrick, P.E. Robert Vander Ploeg testified that they had met with and would comply with the recommendations of the Board Landscape Architect, Michael Hakim. The applicant advised that they had no objection to the vacation of Spruce Street provided that the right-of-way when vacated be annexed to one lot. William Drew advised that this would require a title search to confirm ownership.

During the public portion Roberto Planas and Carolyn Gauntt expressed their concerns regarding the landscaping, the retaining wall and the installation of a security fence.

As no one else wished to speak a **MOTION** was made by James O'Bryant, seconded by Ada Erik, to close the public portion. On voice vote all were in favor.

The Board finds that upon consideration of the plans, testimony and application, the applicant has submitted sufficient information so as to enable it to make an informed decision. The Board first notes that the proposed use is permitted in the Zone. The applicants have also revised the plans in order to provide additional landscaping to further buffer and screen the commercial aspect of this site from nearby residential properties. With respect to variances, the Board further finds that Paul Street serves as an additional buffer to nearby residences. Therefore, the combination of a 78-foot setback for Building B and an 80-foot setback for Building D with Paul Street in between the residential properties and this site constitutes a sufficient distance from the residences. With respect to the setback from Spruce Street, since Spruce Street is an unimproved right-of-way shown on the Township Tax Maps and can be vacated without forcing a merger of two tax lots, the Board did not see the reason for variance relief from the front yard setback requirements. Thus, the Board determines that it is not appropriate to grant ancillary "c" variance relief in this instance and the applicant agreed to approach the Township Council to vacate that unimproved right-of-way in the same manner as two previous rights-of-way were vacated at the time the original preliminary site plan was granted.

MOTION made by James O'Bryant, seconded by Andrew Tynan, to approve the amended preliminary and final site plan and certain of the bulk variances.

On roll call vote: Yes – Robert Moshman, James O'Bryant, Andrew Tynan, Kurt Wagner, Ada Erik, Michael Tfank.
 No - None

CLIFFWOOD LAKES ESTATES
Preliminary Subdivision #0210-1946A
Bulk Variance #0230-0590

COMPLETE: 10-10-02
DEADLINE: 02-07-03

Block 17001; Lot 17

Canistear Road; R-4 Zone

Application for subdivision with variance relief requested to subdivide existing lot to create 13 residential building lots.

Allen Hantman, Esq. and Douglas McKittrick, P.E., represented the applicant.
Daniel Summers, Esq., Attorney for residents Joseph & Mary Altieri

Steve Brandt questioned whether applicant's engineer had a conflict with members of the Board. He also asked if this was the proper venue for this application. After discussion with the Board Attorney it was determined that Robert Moshman, Robert Szuszkowski and Andrew Tynan should recused themselves.

The following members of the public questioned the applicant's experts during the public hearing: Steve Brandt, Steve Melnyk, Bob Bernet, Frank Brunke, John Thonet, P.E., P.P., Anthony Cavallo, Jerry Fareise.

Mr. Hantman granted the Board a time extension through March 26, 2003.

GERALDINE MINES
Minor Subdivision #0210-1947
Bulk Variance #0230-0594

COMPLETE: 12-04-02
DEADLINE: 04-03-03

Block 10901; Lots 7 and 10

Otterhole and West Brook Roads; R-3 Zone

Request to create one new building lot and annex a portion of Lot 10 to Lot 7.

Robert Moshman recused himself.

John Feeney, Esq., John Szabo, P.P. and Albert Stewart, P.E. and Land Surveyor represented the applicant, who testified that she proposed to convey a two-acre parcel to her daughter for the construction of a new house and to adjust the lot line with Lot 7. A portion of the existing house and the well for Lot 7 are encroaching on her property and she proposed to alleviate this situation by conveying a 10-foot strip to the owner of that lot.

Mr. Stewart addressed the Board Engineer's comments. He indicated that a septic design had been submitted to the Township Health Department. They did not intend to remove the old foundations existing on the property.

Mr. Szabo presented a land use exhibit prepared by himself (Exhibit A1). He testified that the applicant was seeking to convey 1,924 square feet to adjoining Lot 7 and to create a new two-acre lot, which would leave the original lot at 13 acres. The new lot will require variances for lot area, depth, front and rear yard setbacks. These variances are necessary in order to maintain a consistent rear lot line with Lot 7, which is an existing nonconforming parcel. The variances required for Lot 7 are for existing conditions. The proposed new lot is consistent with those of the neighborhood.

The Board, the applicant and the applicant's professionals engaged in extensive dialogue with respect to the necessity for variances for lot area, lot depth, front yard setback and rear yard setback relative to proposed Lot 10.01.

Meeting was opened to the public and Daniel Marchelle and Larry Tardif voiced concerns regarding the size of the proposed building lot, the viability of a septic system, the effect on area wells and the further subdivision of the remaining lot.

The public hearing was closed and Mr. Feeney advised that his client was willing to revise the plans showing a minimum lot area of 3 acres. He requested that the Board permit the applicant to submit revised plans eliminating the need for variance relief for lot area, lot depth and rear yard setback, so as to conform with the zone requirements while only requiring variance relief in connection with a front yard setback.

MOTION made by Robert Szuszkowski, seconded by Ada Erik, to approve the minor subdivision with a 3 acre lot and bulk variance for front yard setback. The Board was of the opinion that existing Lot 10 was large enough to create two (2) conforming lots as opposed to proposed Lot 10.01 being deficient in the aforementioned areas. The applicant was able to provide justification to the Board to provide a front yard setback of 75 feet where 100 feet is required. Maintaining a 75-foot front yard setback would be consistent with other dwellings located along Otterhole Road. Furthermore, requiring the applicant to adhere to the 100-foot front yard setback, would negatively impact on the existing dwelling on proposed Lot 10.03.

On roll call vote: Yes – James O'Bryant, Edward Orthouse, Robert Szuszkowski,
Andrew Tynan, Kurt Wagner, Ada Erik, Michael Tfrank.
No - None

TIME EXTENSIONS

MISCELLANEOUS

2003 BUDGET: Capital improvements. Carried.

MINUTES

The following minutes were approved: July 24, 2002, September 5, 2002, September 25, 2002 and October 23, 2002 regular meetings.

STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL

COMMUNICATIONS

The following communications were received and filed:

Letters from the Passaic County Planning Board regarding the following applications:

Scott Leonescu – Minor Subdivision – Block 9801; Lots 28 and 29, 843 Union Valley Road. Approval withheld pending receipt of additional information.

Lindsay Plumbing and Heating – Minor Subdivision – Block 7701; Lot 2, 1087 Union Valley Road. Approval withheld pending receipt of additional information.

Joseph Capone – Final Site Plan – Block 15803; Lot 15, 70 Oak Ridge Road. Work completed in accordance with the plans approved by the Board.

Morsetown Acres – Final Subdivision – Block 6002; Lot 2. Granted final approval.

Scott Leonescu – Minor Subdivision – Block 9801; Lot 28, 843 Union Valley Road. Approval withheld pending receipt of additional information.

Valley Ridge – Site Plan – Block 8002; Lot 4, Union Valley Road. Approval continuing to be withheld pending receipt of additional information.

Scott Leonescu – Minor Subdivision – Block 9801; Lot 28, 843 Union Valley Road. Approval continuing to be withheld pending receipt of additional information.

Long House Estates – Preliminary and Final Plat – Block 2102; Lot 1, Block 2103; Lot 1, Block 2105; Lot 1 and Block 2202, Lot 1. Preliminary and Final approval granted.

Scott Leonescu – Minor Subdivision – Block 9801; Lot 28, 843 Union Valley Road. Approval granted.

Copy of letter dated November 18, 2002 from William Drew to Bruce Zaretsky, West Milford Postal Properties, L.L.C., re: status of on-site lighting at West Milford Post Office.

Notice dated November 28, 2002 advising that Mark Lindsay is applying for a Letter of Interpretation for property located at 1087 Union Valley Road, Block 7701; Lot 2

Letter dated November 29, 2002 from Bruce Zaretsky, West Milford Postal Properties, LLC re the lighting plan for the West Milford Post Office.

Letter dated December 3, 2002 from Ballester & Associates advising that Treatment Works Approval is required for a “Subsurface disposal design for property known as Block 905; Lot 2, 4 Wyckoff Lane.

Copy of letter dated December 4, 2002 from DEP regarding a request for a Letter of Interpretation/Line Verification by Kerry Greene for property known as Block 6403; Lot 1.03, Tintle Avenue.

Copy of letter dated December 6, 2002 from William Drew to James Rogers, Passaic County Planning Board, requesting reimbursement for expenses incurred on the Urban Forestry Demonstration Grant Interpretive Trail Network/Re-Forestation Demonstration Project.

Copy of letter dated December 19, 2002 from Michael Tfank to the Department of Transportation enclosing the amended application for the West Milford Bikeway Plan.

Copy of letter dated December 16, 2002 from Beardslee Engineering Associates to DEP submitting a request for a Letter of Interpretation for Mark Lindsay, Block 7701; Lot 2, 1087 Union Valley Road.

Letter dated December 30, 2002 from Thomas L. Scala, Jr. requesting a time extension for the second phase of Rockport Shopping Park, Block 7006; Lot 2, Union Valley Road.

Copy of letter dated January 2, 2003 from the DEP in response to appeal of Freshwater Wetlands Resource Classification filed by Forest Hill properties for property known as Block 14108; Lots 7 and 8.

Copy of letter dated January 7, 2003 from the Board of Chosen Freeholders of Sussex County to the Governor enclosing a resolution supporting the State of New Jersey's effort to protect critical water supplies within the Highlands Region.

Copy of letter dated January 13, 2003 to John Lehman, Lehman & Getz, P. C. re: West Milford Post Office lighting plan.

Letter dated January 6, 2003 from Michael P. Feltman, Esq. requesting a time extension for the filing of deeds for Patricia Scala, Block 5003; Lot 8, Rockburn Pass.

Notice dated January 15, 2003 that ANJEC is accepting matching grant applications for Smart Growth Planning. Workshops to be held January 29 and February 4.1

ADJOURNMENT

Meeting adjourned by unanimous consent at 11:12 p.m.

Respectfully submitted,

Grace R. Davis
Secretary