

# TOWNSHIP OF WEST MILFORD

## PLANNING BOARD

### Minutes February 22, 2007 REGULAR MEETING

Chairman, Michael Tfank, called the meeting to order at 7:36 p.m. with the reading of the legal notice and pledge of allegiance.

#### ROLL CALL

Present: Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith (Arrived Late), Kurt Wagner. Alternates: Thomas Harraka. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. was represented by Jean McManus, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: James O'Bryant, Clinton Smith, Leslie Tallaksen, Philip Weisbecker.  
Alternate: David Volpe

Chairman appointed Mr. Harraka to sit for Mr. O'Bryant.

#### PUBLIC PORTION

No one wished to speak.

#### APPLICATIONS

##### **RICHARD SLIFER**

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

Block 15701; Lot 34

5 Allison Avenue, HC Zone

Preliminary and final site plan approval to permit improvements to the property to accommodate a commercial business.

COMPLETE: 01-08-07

DEADLINE: 04-22-07

Planning Director, William Drew, advised that at the last meeting a number of items were discussed and the applicant had agreed to make some changes. He further noted that a site inspection had been conducted and the box trailer had been removed.

The applicant, Richard Slifer, and his wife, Loraine Slifer, 62 Schofield Road, West Milford, NJ appeared before the Board. They noted that the trailer had been removed and that the debris around the site would be cleaned up. The applicants then requested clarification with regard to the items that had been listed in the Planning Department and Planning Board Engineer draft reports.

The Board went through the nine items listed on the Planning Department report and also the Engineering report with the applicants, who advised that the shrubs between the corner property line and the paved edge of road would be removed, these shrubs being located within the Township right-of-way; that the existing residential driveway would be repaved; that they would provide two parking spaces for the apartment; and, that revised plans would be submitted reflecting this identified work. The applicant noted that he was not aware of any dead trees on the property. However, if any trees do not bud in the spring they would have them removed.

Considerable discussion took place regarding the placement and orientation of the signs to reach the traveling public on Route 23. It was determined that the total square footage of both signs cannot exceed the width of lot along State Highway Route 23. This frontage was recalculated from the preliminary report to be 142 feet resulting in a maximum square footage of both signs combined to not exceed 106.6 square feet. A request for signage in excess of that square footage would necessitate a variance and amended site plan application before the Planning Board.

The applicant further indicated that he would submit revised plans to comply with the requirements for handicap access to the building with a paved sidewalk and ramp and the location of a dumpster pad with a fenced enclosure and fence gate in the southwesterly corner of the proposed parking lot. The applicant also advised that he would submit a landscape plan to reflect proposed plantings for review and approval by the Township staff.

The applicant further advised that he would proceed as soon as his approvals were received and weather permitted to complete the parking lot. He agreed that the fence to be constructed along the northerly side property line would be installed by June 30, 2007. The planting indicated on the plan would be installed shortly thereafter.

The Engineering items were then discussed by the applicant. It was determined that the driveway into the site would be a minimum 16-foot-wide paved driveway. This additional width will not impact upon the stormwater plan submitted as part of this application. The applicant advised that he would submit soil and slope stability certifications from a licensed professional for review and acceptance by the Planning Board Engineer. The applicant also advised that he would submit the water quality component on the stormwater collection system for review and approval by the Planning Board Engineer in conformance with DEP water quality regulations.

The meeting was opened to the public and the following residents addressed the Board: Brian Leet, 7 Allison Avenue, Newfoundland, NJ; Thomas Gensheimer, 41 Old Route 23, Newfoundland, NJ; Mark Kleindienst, no address given; Bruce Meyer, 38 Allison Avenue, Newfoundland, NJ; Maryanne Vermeulen, 8 Allison Avenue, Newfoundland, NJ; Steven Vermeulen, 8 Allison Avenue, Newfoundland, NJ.

Concern was raised that the retaining wall on the south side of the residential driveway presents a sight distance problem. The Board Engineer advised that it does not in his opinion. Further concern was raised regarding runoff onto the adjacent lot 33; block 15701 based upon the filling that has occurred on site. The Board Engineer advised that this would be reviewed as part of the revised plan and changes will be made if determined necessary to redirect any runoff. Concern was raised that the freestanding signs on the property would be rented and the applicant advised that he would not rent out the sign for advertising other than the activity on the site. It was further determined that the trucks on the property are incidental to the principal use of the property and may be parked in the parking lot without being enclosed. It was also determined that the revised site plan should designate specific parking spaces for the trucks associated with this use. Also, it was determined that woodchips placed on the site needed to be replaced with appropriate landscaping and this would be identified on the Landscaping Plan. Finally, there was a request from the public that architectural plans for the building be submitted. It was recommended that if the applicant proposed any changes to the exterior of the building that those exterior changes would be submitted for information purposes.

After discussion it was recommended that a resolution be prepared by the Board Attorney along with a final report from the Planning Department outlining all the conditions that the applicant had to address during construction and prior to the issuance of a Certificate of Occupancy. The resolution and the Final Report, as well as the applicant's revised site plan, would be prepared in time for the Board's consideration at the April 12<sup>th</sup> Board meeting. The Board Attorney advised that all of these items would have to be prepared 10 days prior to that meeting or April 2, 2007.

**MOTION** made by Michael Siesta, seconded by Douglas Ott, directing the Board Attorney to prepare a resolution of approval for consideration at their meeting of April 12, 2007.

On roll call vote: Yes – Steven Castronova, Douglas Ott, Michael Siesta, Kurt Wagner, Thomas Harraka, Michael Tfank.  
No – None

**NY SMSA LIMITED PARTNERSHIP  
d/b/a VERIZON WIRELESS (UGL FIRE Co.)  
Preliminary & Final Site Plan #0520-0205AB**

COMPLETE: 12-01-06  
DEADLINE: 01-11-07  
(Time extension  
granted to 03-31-07)

Block 1701; Lot 59

776 Warwick Turnpike; LR Zone

Preliminary and final site plan approval to permit the applicant to collocate on an existing telecommunications facility.

At the applicant's request this matter was carried to a future date, yet to be determined. Renotice will be provided at that time.

**NEW YORK SMSA LIMITED PARTNERSHIP  
D/B/A VERIZON WIRELESS (LARSEN ROAD)  
Preliminary & Final Site Plan #0520-0268AB**

COMPLETE: 12-13-06  
DEADLINE: 05-17-07

Block 11401; Lot 8.05

Larsen Road; LR Zone

Preliminary and final site plan approval to permit the applicant to collocate on an existing telecommunications facility.

At the applicant's request this matter was carried to the March 22, 2007 meeting with no further notice required.

**PIONEER BAR & GRILL, INC.  
Preliminary & Final Site Plan #0620-0270AB**

COMPLETE: 01-08-07  
DEADLINE: 04-22-07

Block 2801; Lot 2

350 Warwick Turnpike, NC Zone

Preliminary and final site plan approval in connection with the reopening of a bar and restaurant.

William Drew, Planning Director, advised that the applicant's attorney had requested the Board schedule a special meeting to hear the above matter. After discussion the Board approved a special meeting be held on March 8, 2007. The Board Attorney advised that the applicant should renotice.

## MEMORIALIZATIONS

**S&R HOLDINGS, LLC  
Resolution No. 2007 - 7  
Final Site Plan #0220-8908**

Block 7621; Lot 3.02

1499 Union Valley Road; VC Zone

**APPROVED:** Final site plan.

Matter carried to the next regular meeting.

**FRANK AND CHARLES DECKER  
Resolution No. 2007 - 8  
Amended Preliminary & Final Site Plan #0620-0130**

Block 6404; Lot 1.02

Greenwood Lake Turnpike; CC Zone

Amended preliminary and final site plan approval for the construction of a construction vehicle garage and office.

**APPROVED:** Amended preliminary and final site plan.

**MOTION** made by Kurt Wagner, seconded by Douglas Ott, to memorialize the resolution.

On roll call vote: Yes – Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Thomas Harraka, Michael Tfrank.  
No – None

**CAROL & ERIC LOUER**

**Resolution No. 2007 - 9**

**Preliminary Site Plan #0620-0249A**

**Variance #0630-0747**

Block 3503; Lot 46

1925 Union Valley Road: CC Zone

Preliminary and final site plan approval to permit the construction of an addition to the existing animal hospital, convert the second floor apartment into animal hospital, and construct a new garage.

**APPROVED:** Preliminary site plan.

**MOTION** made by Kurt Wagner, seconded by Michael Siesta, to memorialize the resolution.

On roll call vote: Yes – Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Michael Tfank.  
No – None

**ORDINANCES FOR INTRODUCTION** - None

**ORDINANCES REFERRED FROM COUNCIL** - None

**MISCELLANEOUS**

**Lake Commercial Zone:** Discussion on permitted uses in the Lake Commercial Zone. William Drew provided the Board with a list of permitted uses in the LC Zone and a map outlining the boundaries of the Lake Commercial Zones. After discussion the matter was carried.

**Landscape Architect:** Resolution No. 2007-10 – Approving contract for 2007.

**MOTION** made by Kurt Wagner, seconded by Michael Siesta, to memorialize the resolution.

On roll call vote: Yes – Steven Castronova, Douglas Ott, Michael Siesta, Clinton Smith, Kurt Wagner, Thomas Harraka, Michael Tfank.  
No – None

**PLANNING DIRECTOR'S REPORT** – None.

**PLANNING BOARD ATTORNEY'S REPORT** - Ms. McManus advised that Mr. Gonzalez had provided her with information as to the status of ongoing litigation. With respect to the O'Shea matter Ms. McManus reported that the deadline for filing an appeal with the Supreme Court had passed and the matter appeared to be finished. With respect to the Castle Rock litigation, a motion was filed by the litigants requesting the Supreme Court take certification. On February 12<sup>th</sup> Mr. Gonzalez filed an opposition with the Supreme Court against the developer's motion. She further noted that the Township and the State had also filed motions in opposition.

**MINUTES**

**MOTION** made by Michael Siesta, seconded by Thomas Harraka, to approve the minutes of the January 4, 2007 reorganization meeting. On voice vote all eligible members voted in the affirmative.

**MOTION** made by Michael Siesta, seconded by Douglas Ott, to approve the minutes of the January 8, 2007 special meeting. On voice vote all eligible members voted in the affirmative.

**MOTION** made by Kurt Wagner, seconded by Steven Castronova, to approve the minutes of the January 25, 2007 regular meeting. On voice vote all eligible members voted in the affirmative.

**COMMUNICATIONS** – None.

**ADJOURNMENT**

Meeting adjourned by unanimous consent at 10:17 p.m.

Respectfully submitted,

Grace R. Davis  
Secretary