

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**Minutes  
FEBRUARY 26, 2003  
Regular Meeting**

Chairman, Michael Tfank, called the meeting to order at 7:38 p.m. with the reading of the legal notice.

**ROLL CALL**

Present: Paul Donoghue, Robert Moshman, James O'Bryant, Robert Szuszkowski (Arrived Late, Left Early), Andrew Tynan, Kurt Wagner. Alternate: Ada Erik, Leslie Tallaksen. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. was represented by Richard Briigliodoro, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Edward Orthouse, George Spence.

The Chairman appointed Ada Erik and Leslie Tallaksen to sit for Messrs. Orthouse and Spence.

**PUBLIC PORTION**

Scott Leonescu addressed the Board regarding statements made at the February 6 work meeting

**COAH AMENDMENT**

Public hearing on amendment to Township Certified Housing Plan property identified as Block 7702, Lot 4 on the Township Tax Map, Union Valley Road.

Roger Herrigel, Esq. representing property owner, Chertacojo LLC, requested more time for their land use attorney to review the impact of the subject COAH amendment. Laetitia Munro then addressed the Board advising that she supports the amendment. The Chairman advised that this would be carried to a future meeting. Scheduled for May 8, 2003.

**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: 03-26-03

Shepard Peck, Esq. represented the applicant. His first witness was Robert Zellig from Maser Consultants, a hydrogeologist. He presented testimony regarding the water use for the proposed subdivision. He also addressed the nitrate dilution modeling and the draft State suggestions with regard to the factor to be used in the model. His model used a more conservative factor. It was his opinion that there would be no impact to area residents by the use of the wells or the nitrate dilution from the septic. He suggested that any homeowner with a private pool should not fill it from their well. The Board Engineer asked if the soil logs were utilized as part of the soil analysis. The applicant's experts said they were not used.

During the public hearing Richard Randazzo spoke with regard to the well issue and his existing water yield. Kathleen Caren asked the Board if they were aware of a Township wide water study currently underway. Linda Connolly had questions with regard to testimony concerning existing well yield on neighboring properties. Barry DiGiacinto had questions regarding the average rainfall and whether this was current information.

The applicant advised it was. Cheryl Hogan also spoke with regard to the well use and recharge calculations. Laetitia Munro questioned the dept of proposed wells.

The Board's expert hydrogeologist, Dan Nachman, had several questions and clarifications for the applicant's expert. The applicant's then completed his testimony. The applicant then called Steve Eid with regard to site distance data along Wooley Road and the proposed intersection.

The public portion was opened with regard to Mr. Eid's testimony from a previous meeting and Linda Connolly questioned the speed limit considerations. The public portion was closed.

Kenneth Ochab, P.P. discussed the proposed access from the proposed roadway and the general lot layout and setbacks. Kenneth Scarlatelli, a certified wetlands expert was then called to testify. He testified that several wetland permits are required to enable this project to move forward. General Permits 10 and 6 for disturbance within wetlands as well as a Letter of Interpretation from the DEP. He further advised of threatened and endangered species sightings, including a red-shouldered hawk in 1989 and a wood turtle in 1993. He advised some of the wetlands are exceptional because of trout production.

The following residents questioned Mr. Ochab and Mr. Scarlatelli: Barry DiGiacinto, Laetitia Munro raised questions regarding wetland permitting; Linda Connolly asked for the Board could require an alternative road. Richard Randazzo, Cheryl Hogan also spoke.

The public portion was closed and the Board discussed three lots in particular as to whether they were appropriate lots to be developed as part of this subdivision. Specifically, proposed lots 4, 18 and 16.

**MOTION** made by Paul Donoghue, seconded by Andrew Tynan, to conceptually accept 17 lots as part of a major preliminary subdivision and to exclude lot 4.

On roll call vote:     Yes – Paul Donoghue, Robert Moshman, James O'Bryant, Andrew Tynan, Kurt Wagner, Ada Erik, Michael Tfank.  
                              No - Robert Szuszkowski, Leslie Tallaksen.

The matter was carried to the April 23, 2003 meeting and the applicant granted a time extension to that meeting.

**LINDSAY PLUMBING AND HEATING**  
**Public Hearing**  
**Minor Subdivision #0210-1948**  
**Bulk Variance #0130-0596**

COMPLETE: 01-09-03  
DEADLINE: 05-09-03

Block 7701; Lot 2

Union Valley Road; R-1 Zone

Application for subdivision with variance relief requested to subdivide existing lot to create 3 residential lots.

The applicant was represented by Bryan Lindsay, Esq., who called Donald Walby, the applicant's surveyor, and Mark Lindsay, the applicant, to testify. Mr. Walby testified with regard to the subdivision layout and the variances for the width for one of the lots. The applicant agreed that there would be no further subdivision of Lot 2.01 and an appropriate restriction will be placed in the subdivision Deed.

No one was present to speak for or against this application.

**MOTION** made by Paul Donoghue, seconded by Ada Erik, to approve the application subject to the recommendations of the Township staff and with the restriction that no further subdivision of the property be permitted. The Board found that the overall density of the property was not excessive and that the width of lot variance was a reasonable variance to access the rear of the property for the purpose of creating the third lot.

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

## MEMORIALIZATIONS

The following resolutions were adopted:

**MICHAEL & ROBERT VANDER PLOEG**  
**RESOLUTION NO. 2003 - 2**  
**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

**APPROVED:** Amended preliminary site plan and final site plan approval for a self-storage facility.

### ROCKPORT PLAZA

**RESOLUTION NO. 2003 - 3**  
**Preliminary Site Plan #PBR89-11A**

Block 7006; Lot 2

Union Valley Road; CC Zone

Stay of preliminary approval period

**GRANTED:** Three-year stay of preliminary approval.

### PATRICIA SCALA

**RESOLUTION NO. 2003 - 4**  
**Minor Subdivision #0110-1931**  
**Variance #0130-0495**

**Block 5003; Lot 8**

Rockburn Pass; R-4 Zone

**GRANTED:** Six-month time extension in which to file deeds.

### GERALDINE MINES

**RESOLUTION NO. 2003 - 5**  
**Minor Subdivision #0210-1947**  
**Bulk Variance #0230-0594**

Block 10901; Lots 7 and 10

Otterhole and West Brook Roads; R-3 Zone

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

## PUBLIC HEARING –

Master Plan Re-examination – Amendment to Land Use Map #12 of the Township of West Milford Master Plan. The Planning Board held a public hearing on the Master Plan Re-Examination Amendment to Land Use Map #12. The Attorney advised that this matter should be carried to the April meeting to assure proper notice to the Passaic County Planning Board.

## ORDINANCES REFERRED FROM COUNCIL

The Board recommended that the Township Council adopt the following ordinances as introduced:

Ordinance amending the Zoning Map of the Township of West Milford R-1 single-family residential one-acre minimum lot size to R-4 single-family residential four-acre minimum lot size.

Ordinance amending Chapter 17 of the Revised General Ordinances of the Township of West Milford and establishing the procedure for release or partial release of performance guarantees.

Ordinance amending Chapter 17, Land Subdivision and Site Plan Review: Checklists and Provisions for Minor Site Plan Review.

Ordinance amendment with regard to off site improvements.

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

**PLANNING BOARD ATTORNEY'S REPORT** – None.

### **MISCELLANEOUS**

**2003 BUDGET:** Capital improvements discussed. Board members suggested money be allocated for the extension of sidewalks in the center of town. They further recommended that the codification of the zoning ordinances be held for a future budget.

### **MINUTES**

The minutes of the July 24, 2002, September 5, 2002, September 25, 2002 and October 23, 2002 regular meetings were all approved.

### **STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL**

Memo dated January 13, 2002 to Kenneth Hetrick, Township Manager, regarding request to donate properties known as Block 3608; Lot 11, Block 3605; Lot 11.02 and Block 3704; Lot 17 to the Township. Received and filed.

### **COMMUNICATIONS**

Letter dated January 30, 2003 from Alan D. Goldstein, Esq. requesting a one-year time extension for the preliminary subdivision approval granted Fieldstone Estates, Block 13001; Lot 2.01. This request was referred to the March 26, 2003 meeting.

The following correspondence was 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.

Rita's Italian Ice – Site Plan – Block 3503; Lot 23, 1939 Union Valley Road. Revised plans requested.

Verizon Wireless (Apshawa Volunteer Fire Company) – Site Plan – Block 12501; Lot 26, 666 Macopin Road. Plan approved.

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.

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 formerly 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.

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, 2003.

Notice dated January 10, 2003 advising that Alessi Moving, Inc. is applying for a Letter of Interpretation for property located on Route 23 North, Block 16605; Lot 22.

Notice dated January 6, 2003 advising that Vincent Commoreto is applying for a Letter of Interpretation for property located at 50 Papscoe Road, Block 2416; Lot 22.

Letter dated January 21, 2003 from McKittrick Engineering Associates, Inc. advising that Eugene Prais is applying for a Letter of Interpretation for property located on Dockerty Hollow Road, Block 8401; Lots 22 and 23.

Letter dated January 23, 2003 from McKittrick Engineering Associates, Inc. advising that Scott Leonescu is applying for a Treatment Works Approval permit to construct a non-conforming septic system at property known as Block 2705; Lot 6.

Letter dated February 13, 2003 from George Spence requesting the Board accept his resignation.

### **ADJOURNMENT**

Meeting adjourned by unanimous consent at 11:54 p.m.

Respectfully submitted,

Grace R. Davis  
Secretary