

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**Minutes
FEBRUARY 27, 2002
REGULAR MEETING**

Chairman, Michael Tfank, opened the meeting opened at 7:41 p.m. with the reading of the legal notice.

ROLL CALL

Present: Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Robert Szuszkowski (Arrived late), Kurt Wagner.
Alternate: Ada Erik. Chairman: Michael Tfank. Board Attorney: Richard Briigliodoro, Esq. represented Glenn Kienz, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Andrew Tynan. Alternate: Rich Stecher

Chairman appointed Ada Erik to sit for Mr. Tynan.

PUBLIC SESSION

Robert M. Pawlo read an article from the Greenwood Lake News and inquired when the Board Attorney's contract would expire.

Leslie Tallaksen asked if the matter of hiring a radio frequency expert was on the agenda.

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

APPLICATIONS

WILLIAM PLACE
Minor Subdivision #9810-1911
VARIANCE #9830-0354

COMPLETE: 06-19-01
DEADLINE
EXTENDED TO: 03-31-02

Block 4701; Lot 33.03
Morsetown Road; R-3 Zone

Request for variances to subdivide one lot to create 2 residential building lots.

Planning Director, William Drew, advised that the applicant had revised the plan from a three-lot subdivision to two lots.

Robert Jones, Esq. representing the applicant called Albert Gloor, P.E., P.P., to explain the proposed subdivision. Mr. Gloor testified that the applicant proposed to create two lots; a Letter of Interpretation had been received from the DEP, which provided for driveway crossings, the establishment of a transition area and for a transition area averaging. He had walked the site and could not locate the well or cistern found by the Board. Mr. Kirkpatrick advised that there were some unresolved issues as outlined in his memo of December 5, 2001. Mr. Gloor addressed those comments item by item. He indicated that the location and size of the proposed driveways would be shown when the site plan was submitted. Mr. Kirkpatrick noted that, due to significant wetlands on the site, the applicant needed to demonstrate that there would be appropriate access to the lots. He requested that the limit of disturbance be indicated on the plan so that when the site plan is submitted it is consistent with what the Board may approve. Mr. Gloor stated that they would maintain a two-foot minimum from the neighboring property line.

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

John Barbarula, Esq., represented the applicant. He called the applicant and Douglas McKittrick, P.E., to testify. Mr. McKittrick stated that the property in question is approximately a 10.9-acre tract, long and narrow with 300 feet of frontage along Union Valley Road. There is an existing garage and several encroachments from the adjacent property, specifically an old foundation and a barn belonging to the adjacent lot 29. Property extends to base of steep slopes to the rear. Several variances are required for lot frontage, lot width and lot depth. The applicant proposed to create two one-acre building lots along Union Valley Road with access on to that road. The remainder 8.9 acres of the property would be accessed by a 50-foot wide strip along Union Valley Road. It is not possible to maintain the required 150-foot frontage requirement without land locking the rear property. The property has a unique shape. Neighboring lots have 125-foot frontage. The applicant could construct as many as seven homes without variances, but with a public road. The owner is constructing his own home to the rear and this is an opportunity for him to construct two additional homes without public improvements, thereby minimizing the amount of disturbance to the property. County approval had been received for the driveway openings.

In response to questions from the Board Mr. McKittrick stated that two lots could be configured without variances. However, the benefit of not constructing a road outweighs the detriments of the variances being requested. Mr. Barbarula stated that the applicant's home is currently being built. In the event the property was further subdivided his home would remain and an additional six lots would be created. The applicant would agree to a condition that the encroachments would be removed.

Mr. Leonescu testified that it is not economically feasible to construct a road at this time. The cost of removing the barn and foundation will be shared with the adjoining property owner. A portion of the existing trails on the property will remain.

The Board Engineer requested that the surveyor explain how the property line was determined.

During the public portion Irving Fishman, owner of the adjacent property, explained the history of the property and the location of his septic system and well. He expressed concern about the impact of adjoining septic systems on his well and septic system and requested that the locations of these be shown on the plans. He indicated that he would remove the encroachments.

In response to his concerns and the comments of the Board Engineer, Mr. Barbarula indicated the plans would be revised to address their concerns.

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

William Drew advised that the Environmental Commission had not had an opportunity to review the plans and recommended that the matter be carried to a future meeting to permit the Commission to comment and to permit the applicant to submit revised plans showing the information requested at this meeting.

Mr. Barbarula disagreed and recommended that the Board act subject to the changes requested and that the Commission's comments be read at the next meeting. However, the Board indicated they wished to hear the Commission's comments and the matter was carried to the March meeting.

ROBERT VANDER PLOEG
Preliminary Site Plan #9720-0042
Block 16006; Lot 1
 16007 4
 16008 3
Oak Ridge Road; CC/R-4 Zones
Request for time extension.

Robert and Michael Vander Ploeg requested the Board grant a one-year time extension to their preliminary site plan. They advised the project is approximately forty percent complete, that they are considering reducing the number of buildings approved and that work is continuing.

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

MOTION made by James O'Bryant, seconded by Paul Donoghue, to approve a one-year time extension.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Robert Szuszkowski, Kurt Wagner, Ada Erik, Michael Tfrank.
 No - None

FIELDSTONE ESTATES
Amended Preliminary Subdivision #9810-1739
Block 13001; Lots 1 and 2
High Crest Drive; R-2 and R-4 Zones
Request for time extension.

Brian Connolly, Esq., requested the Board grant a one-year time extension. The applicant, Michael Janel, testified that the project had been delayed by the need for a Stream Encroachment Permit, which had now been received. They were waiting for one additional permit from the State. The roads and curbs are installed. The first section is complete.

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

MOTION made by James O'Bryant, seconded by Paul Donoghue, to approve a one-year time extension.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Robert Szuszkowski, Kurt Wagner, Ada Erik, Michael Tfrank.
 No - None

MEMORIALIZATIONS

ANTHONY CURCIO, JR.
RESOLUTION No. 2002 - 8
Minor Subdivision #0210-1943
Block 9501; Lot 2
Macopin Road; R-3 Zone
APPROVED: Re-approval of previously granted subdivision.

MOTION made by James O'Bryant, seconded by Ada Erik, to memorialize Resolution No. 2002 - 8.

On roll call vote: Yes - Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Kurt Wagner, Ada Erik, Michael Tfrank.
 No - None

RESOLUTION No. 2002 - 9
Memorialization of action to amend Map 12 Land Use Map of Township Master Plan.

Matter carried.

ORDINANCES REFERRED BY COUNCIL

Cahill House – Historic designation. Ordinance referred for recommendation.

William Drew advised that the Township Council had adopted the Ordinance.

PLANNING DIRECTOR'S REPORT

September 22, 1999 closed session of Planning Board – Release of the tape.

William Drew noted that a memo had been received from Stephen B. Glatt, Esq. advising that the tape of the closed session could be released at this time.

MOTION made by Paul Donoghue, seconded by Ada Erik, to release the tapes of the closed sessions of the meetings pertaining to the application.

On roll call vote: Yes - Paul Donoghue, Edward Orthouse, George Spence, Kurt Wagner, Ada Erik, Michael Tfank.
 No - Robert Moshman, James O'Bryant, Robert Szuszkowski.

Capital Improvement Program and the Planning 2002 Capital Improvement Budget.

New Township Engineer, Richard McFadden, introduced to Board. He recommended that the Township submit an application to the State for the installation of sidewalks in the center of town. He suggested that the Township commit funds to the project. William Drew suggested that a recommendation be forwarded to the Council.

Board prioritized their requests as follows: Water study, continuation of capital improvements.

MOTION made by Paul Donoghue to forward the Capital Improvement Budget Program with a recommendation for all the items with a strong emphasis on the request for the completion of a water availability analysis.

George Spence seconded the motion with the request that the motion be amended to include a portion of the budget for the completion of the town center improvements.

On voice vote all were in favor.

PLANNING BOARD ATTORNEY'S REPORT – No report.

MISCELLANEOUS

Proposal for Services – Radio Frequency Engineering Services – Professional Services Proposal received from Charles A. Hecht & Associates, ITT Research Institute, Communications Technologies, Inc. and Wahl & Ast.

The need to change the current ordinance pertaining to telecommunication facilities to reduce their impact on the Township was discussed. The Board reviewed the proposals submitted. The members noted that in addition to an engineer someone knowledgeable in federal law was needed to work in conjunction with him. Matter carried pending receipt of a list of deliverables and reference checks.

West Milford Post Office - Block 6301; Lot 6. Update on site lighting and status of site improvements with the Board.

William Drew noted that he and the Board Attorney had spoken to Henry Burmeister of the postal service, who advised that they could comply completely with the approved site plan including the lighting plan and light stanchions. Mr. Burmeister is concerned about the issue and will make every effort to resolve the matter to the Board's satisfaction. Board members indicated that there would be no more compromises and suggested that the Township proceed with a summons.

Master Plan Goals and Objectives – Draft from Master Plan Subcommittee for discussion. Next step in process. Carried to work session.

STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL

Memo from William Drew to the Smart Growth Committee regarding the Committee's January 21, 2002 meeting. Noted.

MINUTES

MOTION made by James O'Bryant, seconded by Ada Erik, to approve the minutes of the January 23, 2002 regular meeting. On voice vote all were favor.

COMMUNICATIONS

The following communications were received and filed:

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

Fieldstone Estates II, Block 13001; Lots 1 and 2, Macopin Road, granting final subdivision approval.

Vincent Lanza, minor subdivision, Block 3508; Lot 3, Lakeside Road, approval withheld pending completion of conditions.

Something Special Off the Lake, Site Plan, Block 3702; Lot 6.01, approved.

Laurel Hollow, Block 5001; Final Subdivision, Lots 19 - 21 and Block 5006; Lots 10 and 11, West Brook Road, approved.

CFA Custom Homes, Minor Subdivision, 1633 Macopin Road, Block 8501; Lots 7 and 19, site in conformance with plans.

Alice Zampella, Preliminary Subdivision, Union Valley Road, Block 14601; Lots 5 and 6, approval withheld pending submission of additional information.

Letter dated December 7, 2001 from Killam Associates advising that the Tennessee Gas Pipeline Company has received approval for maintenance work within the Township.

Notice that John Finke is applying for a General Permit #25 for property located at 34 Osage Drive, Block 10502; Lot 14.

Notice that Steven Olson is applying for a Letter of Interpretation for property located on Union Valley Road; Block 9901; Lots 10, 11 and 12.

Notice that Charles Aikey is applying for a Letter of Interpretation for property located on Wesley Drive, Block 9501; Lot 19.02.

Letter dated January 18, 2002 from McKittrick Engineering Associates advising that Apschawa Land Company is applying for a Letter of Interpretation for property located on Van Cleef Road, Block 12501; Lot 21

Notice dated January 21, 2002 advising that K. Hovnanian at West Milford, LLC is applying for a Letter of Interpretation for property known as Block 5405, Lot 8 and Block 5301; Lot 20, Cahill Cross Road.

Letter dated January 21, 2002 from EcolSciences, Inc. advising that Valley Development Corporation has applied for a Statewide General Permit Number 10B for property located on Dockerty Hollow Road, Block 8002; Lot 4.

Copy of letter dated January 23, 2002 from William Drew to the Department of Environmental Protection regarding the West Milford Township Open Space Plan.

Letter dated January 24, 2002 from Paulus, Sokolowski and Sartor advising that Passaic County has applied for a Freshwater Wetlands Permit and Major Stream Encroachment Permit for a one-mile section of Greenwood Lake Turnpike located between Marshall Hill Road and Awosting Road.

Copy of *New Jersey Flows* published by the New Jersey Water Resources Research Institute dated Winter, 2001.

Letter dated January 29, 2002 from the Department of Environmental Protection in response to a request from Eugene Prais for a Letter of Interpretation\Footprint of Disturbance, Presence/Absence Determination for property known as Block 8401; Lot 22, Dockerty Hollow Road.

Letter dated February 6, 2002 from Association of New Jersey Environmental Commissions (ANJEC) notifying Planning Board of a new Smart Growth Planning Assistance Program.

Letter dated February 8, 2002 from Glenn Kienz, Esq. to William Faustini, West Milford Postal Properties, L.L.C. regarding the lighting at the West Milford Post Office.

ADJOURNMENT

Meeting adjourned by unanimous vote at 9:59 p.m.

Respectfully submitted,

Grace R. Davis
Secretary