

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**Minutes
February 5, 2004
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: Joseph Elcavage, James O'Bryant, Edward Orthouse, Leslie Tallaksen, Kurt Wagner. Alternate: Matthew DeFede. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. (Arrived late). Planning Director: William Drew, P.P. Consulting Engineer: Valerie Rhabel, P.E.

Absent: Joseph Di Donato, Andrew Tynan.

Chairman appointed Matthew DeFede to sit for Mr. Tynan.

PUBLIC PORTION

Mr. Elcavage advised that Stephen Sangle, Chairman of the Township Environmental Commission, had requested to address the Board. As he was not present at this time and no one else wished to speak James O'Bryant, seconded by Kurt Wagner, made a **MOTION** to close the public portion. On voice vote all were in favor.

Later in the meeting Mr. Sangle addressed the Board regarding the new stormwater management regulations issued by the State and a presentation given to the Commission by Pat Rector, a representative of the DEP regarding these rules. He noted that, due to a technicality in the census data, West Milford would be considered an urban/Tier A community. In his opinion, this would be greatly detrimental to the Township. He suggested that all Boards and Commissions of the Township work to have this decision overturned and the Township placed in a Tier B category.

William Drew advised that the Planning Department through its GIS Specialist and the Township Administrator is researching the criteria for establishing the census data and are working toward getting the classification changed.

SITE PLAN WAIVER APPLICATIONS

ANTHONY LO BIANCO
Site Plan Waiver 0420-0164W
Block 3603; Lot 8
2007-11 Greenwood Lake Turnpike; LC Zone

The applicant, Anthony Lo Bianco, testified that he and his brother wished to open a pool and spa supply showroom at the subject location. They hoped to open in early April and there would be minimum renovations to the interior of the building. William Drew, Planning Director, noted that there was no existing site plan for the property, which pre-dated zoning. He also advised that there were existing zoning, construction and health violations pertaining to this property.

The Board voiced concern regarding these violations. However, it was noted that this could be an opportunity to clean up the area and make it more attractive. Mr. Wagner noted that the violations could be resolved with the cooperation of the property owner.

Angelo Lo Bianco, the applicant's brother, noted that the rear area of the building would have to be cleaned in order to provide access for their business.

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

Mr. Drew advised that the Zoning Officer reported that the business could operate safely. That with the cooperation of the property owner the violations could be satisfied and the applicant could open his business.

MOTION made by Joseph Elcavage with the condition that the business could not open until such time as municipal officials determine that the violations have been removed or remedied to the satisfaction of all Township departments. And, that the rear area of the property must be cleaned up. Seconded by Leslie Tallaksen.

On roll call vote: Yes - Joseph Elcavage, Edward Orthouse, Leslie Tallaksen, Kurt Wagner, Matthew DeFede, Michael Tfank.
No - James O'Bryant.

JONI GONZALEZ
Site Plan Waiver #0420-0166W
Block 3603; Lot 7
2019 F Greenwood Lake Tpke.; LC Zone

Ms. Gonzalez explained that she intended to open a children's theme party place. She would run parties at the subject location for approximately 10 children at a time and indicated that there was existing parking both in the front and rear of the property.

Mr. Drew advised that there was not enough parking to accommodate the proposed use. Concern was expressed regarding the safety of children and parents accessing the site, which is located on Greenwood Lake Turnpike, a heavily traveled road. The possibility of shared parking with the adjacent property owner was to be explored.

Matter carried until additional information is provided regarding the parking facilities.

APPLICATIONS

THOMAS L. SCALA, JR. COMPLETE: 11-03-03
Amended Preliminary Subdivision #0310-1749A DEADLINE: 02-06-04
Block 206; Lot 9
Hansen Lane; R-1 Zone
Request to amend preliminary subdivision to create 11 lots, 10 of which are building lots.

This matter was carried from the December 10, 2003 meeting. Mr. Scala, Albert Gloor, P.E., Alfred Stewart, P.E. and Jeffrey Scala, P.E. was present and testified on this application.

A report prepared by Albert Gloor regarding a dam on the property was submitted (Exhibit A-2). The Board Engineer advised that documentation in the report indicated that the facility is less than 5-feet tall and, therefore, is not regulated. Mr. Scala requested that the Board consider as a condition of any approval the removal of vegetation adjacent to the concrete wall, upstream and downstream; the removal of large trees and brush from the area; and the repair of small areas in the concrete wall. Appropriate permits would be obtained to repair the facility. The Board Attorney suggested that the work could be performed provided that the applicant submitted an affidavit that was satisfactory to the Board Engineer that all other necessary approvals had been maintained.

Mr. Scala further stated the maintenance of the pond would become the responsibility of the six adjacent property owners. In the event the owners do not maintain it, the Township would have the right to perform the work. He cited Section 17-16.5 of the Township Land Development Ordinance regarding drainage. A Maintenance Cleaning and Repair of Drainage Basins and Saddle Dike (Dam) was submitted as Exhibit A-3. William Drew suggested that these provisions could be incorporated into a developers' agreement between the developer and the Township. Mr. Stewart addressed the well report, which the applicant had submitted to the Township. The Board Engineer noted that if the drainage design meets the DEP standards, they would meet his approval. Mr. Scala stated that there are no C1 streams on the property.

Mr. Drew advised that the annexation of lot 18 to existing lot 1 would be completed by means of a perimeter deed. A letter had been received from the property owner of lot 1 stating that they fully intended to purchase the lot. This would make lot 1 a conforming lot to the R1 residential standards. The width of the first hundred feet of Hansen Lane in from Clinton Road would be changed and the appropriate right-of-way dedicated to the Township. The deed restriction regarding tree cutting would be handled in the same manner as Phase II, which is to be worked out as a condition of preliminary approval. Mr. Stewart explained that the proposed septic design required a smaller septic field and, therefore, less land disturbance. Stormwater from the homes would be contained in small "rain gardens" or dry wells for recharge. Existing trails will be relocated. No lighting is proposed.

As no one else wished to speak a **MOTION** was made by Kurt Wagner, seconded by Leslie Tallaksen, to close the public portion. On voice vote all were in favor.

During discussion members suggested the following conditions of approval: deed restrictions regarding tree cutting, the maintenance of Leepers Pond and the maintenance of drainage facilities; receipt of all appropriate DEP approvals; restriction on the further subdivision of any of the lots; the Board Engineer's review of the dam repairs; conformance to the various Township department reports; that various sections of the site will be restored to their natural condition as is appropriate and as directed by the Board Engineer; a developer's agreement to be entered into between the developer and the Township to address the maintenance and repair of the dam and pond and the drainage; and, that a pre-construction meeting be established with the appropriate Township officials.

MOTION made by James O'Bryant, seconded by Leslie Tallaksen, to approve the application subject to the conditions discussed by the Board.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Leslie Tallaksen, Kurt Wagner, Matthew DeFede, Michael Tfank.
No - None

**NEW YORK SMSA LIMITED PARTNERSHIP
d/b/a VERIZON WIRELESS**

COMPLETE: 11-24-03
DEADLINE: 02-27-04

Preliminary and Final Site Plan 0320-0135AB

Block 12501; Lot 26

666 Macopin Road; R-3 Zone

Request for preliminary and final site plan approval to permit the colocation of antennas on an existing telecommunications tower.

Gregory Czura, Esq., advised that the applicant proposed to install 12 additional antennas on an existing tree monopole located behind the Apschawa Fire House. This is a permitted use in the zone and no variances were requested. Although it is Sprint's obligation, the applicant would be willing to plant an additional three trees as requested. Regarding a "branch" lying on the ground, the applicant would resolve the matter with Sprint, the owner of the facility. He noted that Verizon was renting space from the owner of the facility and maintenance of the said facility is the responsibility of the facility's owner.

Tony Suppa, P.E., testified that in addition to the new antennas the applicant proposed to construct a new shelter, which would be located next to the existing Sprint equipment. The antennas will be located under the Sprint antennas and be similarly camouflaged. The proposed light will be a 75-watt light worked by a photocell. Verizon would be responsible for the maintenance of their equipment.

The meeting was opened to the public and as no one wished to speak a **MOTION** was made by James O'Bryant, seconded by Kurt Wagner, to close the public portion. On voice vote all were in favor.

William Drew, Planning Director, advised that during a site inspection it was observed that there was erosion occurring on the access road. Mr. Czura stated that the applicant or Sprint would address the problem.

MOTION made by James O'Bryant, seconded by Joseph Elcavage, to approve the application with the condition that no permits would be issued until the matter of the missing branch is corrected.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Leslie Tallaksen, Kurt Wagner, Matthew DeFede, Michael Tfank.
No - None

OMNIPOINT COMMUNICATIONS, INC.

COMPLETE: 12-16-03

Preliminary & Final Site Plan #0320-0141

DEADLINE: 02-05-04

Block 13602; Lot 7

1894 Route 23; LMI Zone

Request for preliminary and final site plan approval to install additional antennas on existing monopole.

The Board Attorney disqualified himself from this application.

Mark Peck, Esq. representing the applicant stated that applicant proposed to install an additional eight antennas on an existing 120-foot monopole and two additional equipment cabinets and a battery cabinet within the existing compound. Cell towers are permitted in the zone. There will be minimal site disturbance.

Charles Whelan, AIA, Site Engineer, explained that there are existing buildings on the site, that Omnipoint currently has four existing antennas on the pole, which they share with Sprint. A 3-foot by 12-foot concrete slab will be installed to accommodate the cabinets. The antennas will be at the same height as the existing antennas.

The meeting was opened to the public and as no one wished to speak a **MOTION** was made by James O'Bryant, seconded by Kurt Wagner, to close the public portion. On voice vote all were in favor.

The applicant further indicated that Omnipoint would be liable for the maintenance of the facility. Inspectors visit the site periodically.

MOTION made by James O'Bryant, seconded by Joseph Elcavage, to approve the application.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Leslie Tallaksen, Kurt Wagner, Matthew DeFede, Michael Tfank.
No - None

CASTLE ROCK ESTATES, LLC

COMPLETE: 12-18-03

Preliminary Subdivision #0310-1958

DEADLINE: 03-22-04

Block 9901; Lot 7

870 Union Valley Road; R-1 Zone

Request to subdivide property to create 17 residential building lots.

Application carried to the March 4, 2004 regular meeting. William Drew advised that according to the applicant's attorney renote might be necessary.

DONALD E. EHRMANN

Minor Subdivision #0210-1945

Block 8101; Lot 25.01, 25.02 and 26

Cahill Cross Road; R-1 Zone

Request for time extension.

Gail Rheinlander and Jill Slinkowski advised that the surveyor had problems in writing the deed descriptions correctly. Revised deeds have been submitted and upon receipt of additional escrow monies they will be reviewed. The Planning Director suggested that a six-month time extension be granted.

MOTION made by Joseph Elcavage, seconded by Kurt Wagner, to approve a six-month time extension.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Leslie Tallaksen, Kurt Wagner, Matthew DeFede, Michael Tfank.
No - None

MEMORIALIZATIONS

RESOLUTION NO. 2004 – 1

Adoption of Resolution approving Attorney's contract

MOTION made by James O'Bryant, seconded by Leslie Tallaksen, to memorialize the resolution with the amended date.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Leslie Tallaksen, Kurt Wagner, Matthew DeFede, Michael Tfank.
No - None

RESOLUTION NO. 2004 – 2

Adoption of Resolution approving Engineer's contract

MOTION made by James O'Bryant, seconded by Leslie Tallaksen, to memorialize the resolution with the amended date.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Leslie Tallaksen, Kurt Wagner, Matthew DeFede, Michael Tfank.
No - None

THOMAS L. SCALA, JR.

ROCKBURN NORTH – PHASE 2

RESOLUTION NO. 2004 – 3

Preliminary Subdivision #0310-1959A

Block 206; Lot 9

Hansen Lane; R-1 Zone

MOTION made by James O'Bryant, seconded by Leslie Tallaksen, to memorialize the resolution.

On roll call vote: Yes - Joseph Elcavage, James O'Bryant, Edward Orthouse, Leslie Tallaksen, Kurt Wagner, Matthew DeFede, Michael Tfank.
No - None

MISCELLANEOUS

Copy of Resolution requesting an extension of time for a bikeway grant agreement – West Milford Bikeway Phases 1, 2, 3 and 4 received from Township Clerk. Adopted January 21, 2004. William Drew advised that the Department of Transportation had granted a one-year time extension for the bikeway.

At the suggestion of the Chairman, the Board unanimously agreed to refer the report of the Open Space Committee to the Environmental Commission for their review and prioritization of the properties. The Open Space Committee completed the report and formally submitted it to the Planning Board.

ORDINANCES REFERRED FROM COUNCIL – None.

PLANNING DIRECTOR'S REPORT – None.

PLANNING BOARD ATTORNEY'S REPORT – None.

MINUTES

MOTION made by Leslie Tallaksen, seconded by Kurt Wagner, to approve the minutes of the July 23, 2003 regular meeting. On voice vote all eligible members voted yes.

MOTION made by James O'Bryant, seconded by Kurt Wagner, to approve the minutes of the December 10, 2003 regular meeting. On voice vote all eligible members voted yes.

MOTION made by James O'Bryant, seconded by Edward Orthouse, to approve the minutes of the January 8, 2004 reorganization meeting. On voice vote all eligible members voted yes.

STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL

Memo dated January 14, 2004 from William H. Drew, P.P. to Kevin J. Byrnes, Township Administrator, regarding the status of the Bikeway Grant. Noted and filed.

COMMUNICATIONS

The following communications were all noted and filed:

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

Eagle Ridge at West Milford – Site Plan – Block 5301; Lot 20 and Block 5405; Lot 8, Cahill Cross Road. Approval of roadway improvement plan and sight distance analysis withheld pending receipt of additional information.

Eagle Ridge at West Milford – Preliminary and Final Plat – Block 5301; Lot 20 and Block 5405; Lot 8, Cahill Cross Road. Letter advising that a note must be added to the final plat prior to said plat being presented for signature.

Rockburn North I – Preliminary Plat – Block 206; Lot 9, Hansen Lane. Approval withheld pending receipt of additional information.

Rockburn North II – Preliminary Plat – Block 206; Lot 9, Hansen Lane. Approval withheld pending receipt of additional information.

New Heaven Mission – Site Plan – Block 12001; Lot 20, Macopin Road. Approval withheld pending receipt of additional information.

Valley Ridge at West Milford – Site Plan – Block 8002; Lot 4, Union Valley Road. Approval withheld pending receipt of additional information.

Whispering Pines Estates – Final Plat – Block 9801; Lot 28.01, 28.02 and 28.03, 843 Union Valley Road. Approval withheld pending receipt of additional information.

Eagle Ridge at West Milford – Site Plan – Block 5301; Lot 20, Block 5405; Lot 8, Cahill Cross Road. Approval withheld pending receipt of additional information.

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

Letter dated November 3, 2003 from McKittrick Engineering Associates, Inc. advising that Zanado Enterprises is applying for a transition area waiver for property located on Hanover Road; Block 901; Lot 3.

Letter dated October 23, 2003 from McKittrick Engineering Associates, Inc. advising that Mark Lindsay is applying for a transition area waiver for property located on Greenwood Lake Turnpike; Block 6404; Lot 1.02.

Notice received December 17, 2003 advising that Ludovico Ambrosia is applying for a Letter of Interpretation for property located on Landing Road, Block 2703; Lot 3.

Notice dated November 15, 2003 advising that Kenneth Claudio is applying for a General Permit for the installation of a septic system for property located at 428 Morsetown Road, Block 6001; Lot 8.

Notice dated January 23, 2004 advising that John P. Clarke is applying for a Letter of Interpretation, General Permit and Transition Area Waiver for property located on Maple Road, Block 10301; Lots 5, 6, 13.01 and 13.02.

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

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

Letter dated January 30, 2004 from Bradley M. Campbell, Commissioner, Department of Environmental Protection, regarding the new stormwater management regulations.

Letter dated February 3, 2004 from Albert P. Maiocchi, Manager, Bureau of Local Aid, Department of Transportation, advising that the Township has been granted an extension of time for the award of contract for the bikeway.

ADJOURNMENT

Meeting adjourned by unanimous consent at 10:54 p.m.

Respectfully submitted,

Grace R. Davis
Secretary