

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**Minutes
APRIL 9, 2003
Special 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, Ada Erik, Robert Moshman, James O'Bryant, Edward Orthouse, Robert Szuszkowski, Andrew Tynan, Kurt Wagner.
Alternate: Leslie Tallaksen. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. Planning Director: William Drew, P.P.

Absent: Consulting Engineer: Robert Kirkpatrick, P.E.

REDEVELOPMENT DISTRICT – ORDINANCE TO AMEND

The purpose of this hearing is to determine whether the 1987 Township Master Plan as well as the Master Plan Re-Examination Reports of 1993 and 1999 should be amended in regard to publicly owned land located within the designated redevelopment district. The Township Council has introduced an ordinance to amend the permitted land uses of the redevelopment district. The lots to which the amendment to the redevelopment district applies are indicated on the Township Tax Map as

Block 12001; Lots 5, 25, 32, 33.01 and 41.01
Block 11901; Lot 1

Board Attorney, Glenn Kienz, reported that his office had reviewed the State Redevelopment Statute, Section 40A:12A-1, and they concluded that open space can not be the primary use according to the statutes creating the redevelopment district. The problem in this instance is that the apparent motive and intent behind the proposal before the Board, is to set the parcel up as only being qualified for use as open space; i.e. no golf course/active recreation, no housing, no commercial/office, and not even a roadway, being an allowed activity on the tract. It was his opinion that this was not something that was contemplated when the redevelopment ordinance was adopted.

During discussion the Board members stated that the proposed ordinance recognized it is not consistent with the Township Master Plan or the subsequent re-examination reports; that converting the land to open space is not permissible; that State statutes regarding redevelopment districts do not provide for open space as a principal use. The Board thanked the public for their participation and advised that it was not here to determine an appropriate use for the property in question.

MOTION made by James O'Bryant to advise the Township Council that the Board did not recommend that the redevelopment plan as submitted to the Board be implemented because it is not in compliance with the State statutes regarding redevelopment districts. The Board did not recommend that the matter be handled in this manner. Members emphasized that this motion should not be construed as the Board being against open space. That is not what the Board was saying and that is not what it was here to determine. Seconded by Ada Erik.

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

MEMORIALIZATIONS

**VINCENT LANZA
Resolution No. 2003 - 8**

