

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**REGULAR MEETING
MINUTES
JUNE 27, 2001**

Meeting opened at 7:32 p.m. with the reading of the legal notice.

ROLL CALL

Present: Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Michael Tfank, Andrew Tynan, Kurt Wagner. Alternates: Rich Stecher, Mark Vetter. Board Attorney: Glenn Kienz, Esq. Township Engineer: Arthur Vitale, P.E.

Absent: Maria Harkey. Planning Director: William Drew, P.P.

Chairman appointed Mark Vetter to vote Ms. Harkey.

PUBLIC PORTION

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

APPLICATIONS

VALLEY RIDGE DEVELOPMENT Co.
Preliminary Site Plan #9620-0041
Block 8002; Lot 4
Union Valley Road; R-1/PN Zone
Request for time extension

Edward Weisslitz, Esq., representing the applicant, advised that although the applicant's engineer, William Beardslee, could not be present he had prepared a report dated June 18, 2001, which addressed the issue of water and the sanitary sewer system. There was also a report on a meeting held on June 11th with the MUA, which explained the MUA position with regard to the preferred location of the sewer line. He indicated the applicant had shown substantial progress in dealing with the MUA and had done much work in obtaining the various DEP permits that are required. He confirmed that the first year extension expired on April 23rd and requested an extension to April 23, 2002.

At the request of the Board the applicant sought to clarify items in the report regarding the septic hookup and the mitigation of wetlands and explained why it had taken so long to obtain the necessary permits. Based upon his professional's opinion he testified that the additional approvals needed could be obtained in ten months. The applicant stated that in order to move the project approvals were needed from the MUA. He acknowledged the severity of the Board's concerns and will move forward as quickly as possible.

The Board Attorney outlined the law regarding extensions and recommended that the Board grant the extension, but that the applicant be put on notice that this is his last chance. He noted that granting extensions is in compliance with the intent and purpose of the Municipal Land Use Law. He further explained that as this property is part of the Township affordable housing plan denial of this request could put the Township's COAH certification in jeopardy. He confirmed that the permission of the property owner is required to remove COAH units.

Members noted that the property is across from the Stanford property, which is being looked at for open space acquisition. They did not understand why the developer could not get the permits in time. It was noted that this property is part of the Township affordable housing plan.

During the public portion Doris Aaronson, testifying as the Environmental Trustee of Pinecliff Lake, addressed concerns regarding the proposed sewer treatment plant and

where the effluents would go, the pollution of extraordinary wetlands and lakes in the Township, the availability of drinking water and our COAH obligations.

In response the applicant stated that the MUA had assured him that it had the sewer and water capacity for the project.

Laetitia Munro questioned the number of extensions that have been granted and whether the applicant could reapply at a later date. She expressed concerns about water availability, steep slopes and wetlands.

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

MOTION made by James O'Bryant to approve the time extension for a ten-month period with the understanding that this is the only time extension that will be granted. Although circumstances are changing, the Board understands that there are certain obligations, which the Board considered. Seconded by Kurt Wagner.

In voting Mr. Donoghue expressed concern that the applicant had not moved forward in any haste. The message being sent is that the Board will not entertain any further extensions. He also expressed concern regarding the Township COAH requirements and based on Council's legal recommendation voted yes.

Mr. Tfrank stated his concern is the Township's COAH obligations.

On roll call vote: Yes – Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, Andrew Tynan, Kurt Wagner, Mark Vetter, Michael Tfrank.
 No - George Spence

Recess

JOSEPH MOROZ

Minor Subdivision # 9910-1919

Bulk Variance # 9930-0411

Block 13103; Lot 16

54 Upper High Crest Road; LR Zone

Subdivide 1 lot with an existing dwelling to create 1 additional building lot.

Letter from applicant's attorney requesting the matter be carried to the July meeting read into record by Mr. Kienz. Matter carried.

THOMAS SCALA

Minor Subdivision #0110-1935

Block 5005; Lots 6 and 7

Rockburn Pass; R-4 Zone

Lot line adjustment

The applicant testified that one of the subject lots is currently vacant and the other is presently being developed with a dwelling. He explained that Lot 7 presently contains 4.63 acres and that the purpose of the application is to subdivide .6 acres from that lot and annex it to Lot 6 resulting in Lot 6 having a lot area of 5.7 acres. Lot 7 would then be reduced to 4.03 acres. He further noted that variance relief was not required.

There were no members of the public expressing an interest in this application.

MOTION made to approve the application.

On roll call vote: Yes – Paul Donoghue, James O'Bryant, Edward Orthouse, George Spence, Andrew Tynan, Kurt Wagner, Mark Vetter, Michael Tfrank.
 Abstain – Robert Moshman
 No - None

WEST MILFORD POST OFFICE

Block 6301; Lot 6

Update on site lighting and status of site improvements with the Board.

The Chairman advised that letters had been received from Henry Burmeister of the Postal Service and William Faustini, the developer, regarding the lighting at the above referenced property. It was noted that there were no representatives present from the postal facility. Several Board members had walked the site earlier in the evening and reported that the suggested changes to the lighting had not been installed. It was recommended that a letter be written to the postal authorities requesting their assessment of the changes. It was noted that the Board had given them 30 days to implement the changes. It was recommended that the letter also address the drainage and traffic concerns and request that a representative appear at the next meeting.

MISCELLANEOUS

James O'Bryant recommended that a letter of appreciation be given to Arthur Vitale for his fine service to the Board. On voice vote all were in favor.

Rich Stecher questioned whether any action was required by the Board in connection with the status of the Town Center Report.

Robert Moshman reported that the Tree Ordinance is on the Township Council agenda. The status of a request for down zoning was discussed.

Rich Stecher requested that the Board re-examine the steep slope ordinance and lower the 35% limit. The Board Attorney recommended that this should be done through zoning.

STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL

The Chairman advised that any memos concerning actions or recommendations made by the Board to the Council or Manager will be listed on the agenda. Copies will not be sent, but will be provided upon request.

Memo dated May 25, 2001 to Kenneth Hetrick re: Tree Ordinance Amendments.

Memo to Kenneth Hetrick dated June 12, 2001 re: Request for Right-of-way Vacation – Carolyn Street.

Memo dated June 14, 2001 re: Property Rezoning.

PLANNING DIRECTOR'S REPORT – No report

PLANNING BOARD ATTORNEY'S REPORT

The matter of Board Attorney's contract was discussed. The Chairman advised the Board of the fees being requested by Mr. Kienz and the result of a survey of Attorney fees being paid by neighboring Townships. Mr. Kienz explained the history behind his current contract arrangement. After each member presented his view on the subject the Chairman polled the Board on whether to go out to bid on the attorney contract. The following members voted no – James O'Bryant, Paul Donoghue, Andrew Tynan, Mark Vetter, George Spence, Kurt Wagner, Edward Orthouse, Robert Moshman. Rich Stecher voted yes. The matter was carried to the July reorganization meeting for a decision on the Board Attorney.

MINUTES

MOTION made by Paul Donoghue, seconded by Andrew Tynan, to approve the minutes of the September 27, 2000 meeting. On voice vote all were in favor.

MOTION made by Paul Donoghue, seconded by Kurt Wagner, to approve the minutes of the February 28, 2001 meeting. On voice vote all were in favor.

MOTION made by Paul Donoghue, seconded by Kurt Wagner, to approve the minutes of the March 28, 2001 meeting. On voice vote all were in favor.

Motion made by James O'Bryant, seconded by Kurt Wagner, to approve the minutes of the May 3, 2001 meeting as amended. On voice vote all were in favor.

COMMUNICATIONS

The following correspondence was all noted and filed:

Letter dated May 21, 2001 from the Passaic County Planning Board advising that the preliminary plat for Green Valley Estates, Block 10001; Lots 14, 19, 20 and 23 has been approved.

Letter dated May 11, 2001 from American Environmental Services, Inc. advising that Kerry Greene has applied for Statewide General Permit Nos. 6, 10 and 11 for property known as Block 10001; Lots 14, 19, 20 and 23.

Letter dated May 25, 2001 from Albert Gloor, Jr., Civil Dynamics, Inc. advising that the reserved parking area for 19 cars, which was part of the original plans for the Lakeland Bancorp building located on Oak Ridge Road, Block 16502; Lots 3 and 4, have been constructed, paved and striped.

Copy of letter dated June 5, 2001 to K. Hovnanian at West Milford advising of processing of application.

Notice from the Greenwood Lake Watershed Management District, Inc. dated May 21, 2001 advising that a drawdown of the lake has been scheduled for Fall/Winter 2001-2002.

Letter dated May 24, 2001 from Henry Burmeister, Manager, Real Estate of the United States Postal Service to Glenn Kienz regarding lighting intensities at the West Milford Post Office.

Letter dated May 24, 2001 from McKittrick Engineering Associates advising that George Blood has applied for a Treatment Works Approval to construct a non-conforming septic system on property known as Block 8101; Lot 31.

Letter dated June 6, 2001 from the Hudson-Essex-Passaic Soil Conservation District advising that Shoebox Storage, Phase 2, Block 16008; Lot 31, 140 Oak Ridge Road, meets the Standards for Soil Erosion and Sediment Control.

Letter dated June 8, 2001 from Civil Dynamics, Inc. advising that Eric Bos has applied for a Freshwater Wetlands General Permit Nos. 1 and 8 for property located on Curtis Court, Block 7005; Lots 7, 8, 9, 10 and 17.

Letter dated June 12, 2001 from the Passaic County Planning Board advising that they reviewed the subdivision sketch plat for Orchard View Estates, Block 7701; Lots 7 and 8, Union Valley Road, and that no action will be taken until the preliminary plans are submitted.

Letter from Wander Ecological Consultants advising that Michael Jost is applying for a Letter of Interpretation for property located on Burnt Meadow Road, Block 6002; Lot 44.02.

Letter dated June 7, 2001 from the Clerk of the City of Clifton enclosing the following resolutions:

- Resolution urging New Jersey Legislature to amend the Municipal Land Use Law to allow municipalities the right to deny applications to irresponsible developers
- Resolution calling for a property tax deduction for senior citizens
- Resolution urging New Jersey State government to assume the costs of State-mandated dam rehabilitation projects serving essential public purposes
- Resolution urging the New Jersey State Legislature to explore a program to make the home of income-qualified senior citizens “affordable” through property tax relief to be provided by municipal affordable housing trust funds
- Resolution requesting amendments to the Fair Housing Act in order to limit builder’s remedy lawsuits
- Resolution urging New Jersey State Legislature to allow municipalities to adopt timed growth ordinances
- Resolution endorsing modification to Qualified Private Communities Act to require developers to provide certain municipal services on unaccepted streets.

Notification from COAH that the Council’s adoption of Ordinance 2001-17 has perfected the grant of substantive certification for the Township.

Letter dated June 14, 2001 from Linda Connolly and Richard Randazzo expressing their concerns regarding the proposed subdivision submitted by Kerry Greene for property located on Wooley Road, Block 10001; Lots 14, 19, 20 and 23 and our response.

ADJOURNMENT

Meeting adjourned by unanimous vote at 10:05 p.m.

Respectfully submitted,

Grace R. Davis
Secretary