

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**REGULAR MEETING
MINUTES
JULY 25, 2001**

Meeting opened at 7:33 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, Andrew Tynan (Arrived Late), Kurt Wagner. Alternates: Rich Stecher, Mark Vetter. Chairman: Michael Tfank. Board Attorney: Glenn Kienz, Esq. Planning Director: William Drew, P.P.

Absent: Assistant Engineer: Jeffrey Yuhas, P.E.

PUBLIC PORTION

Ada Erik addressed the Board regarding the steep slope ordinance.

APPLICATIONS

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.

Thomas Collins, Esq. represented the applicant. Applicant requested a variance for slope and percent of disturbance. The applicant's engineer, J. Guldner, discussed the plans with regard to the requested variances. The public hearing was held and Ada Erik spoke. Mr. Moroz, the applicant, testified in response to her questions. The public hearing was closed.

The Board finds that the literal enforcement of the steep slope Ordinance is not impracticable and will not exact undue hardship because of any peculiar conditions pertaining to the land in question. This site is already developed with a conforming use, which is a single family residence. The fact that the applicant seeks to subdivide the property for economic gain does not constitute a hardship. In other words, having a large property with a conforming use is not a hardship. The Board also finds that the degree of steep slope disturbance, which in this case includes slopes in excess of 50 percent (50%), is not a feature commonly found in the neighborhood. In fact, the applicant's engineer found it difficult to find any lots approaching that degree of disturbance. Considering the lot is being used for a permitted use, which is economically advantageous to its owner, and to grant this approval would allow for steep slope disturbance uncommon in the area, the Board concludes that the applicant failed to satisfy the exception criteria. The Board is further concerned that deviation from the Ordinance standard in this case, may lead to an erosion of this section of the Ordinance in the Township.

The Board does, however, determine that the proposed lot conforms generally with others in the area with respect to the items contained in Sections 1A through D of the Remand Order. The Board further concludes that it would have been open to granting "c" variance relief had the applicant agreed to move the house farther to the front of the property or had the applicant been able to redesign the lot to avoid the proposed degree of steep slope disturbance.

THOMAS SCALA

RESOLUTION NO. 2001 - 13

Minor Subdivision #0110-1935

Block 5005; Lots 6 and 7

Rockburn Pass; R-4 Zone

APPROVED: Lot line adjustment

MOTION made by Paul Donoghue, seconded by Mark Vetter, to approve the resolution.

On roll call vote: Yes - Paul Donoghue, James O'Bryant, Edward Orthouse, George Spence, Andrew Tynan, Kurt Wagner, Mark Vetter, Michael Tfrank.

No - None

MISCELLANEOUS

WEST MILFORD POST OFFICE

Block 6301; Lot 6

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

Letter to be sent to applicant requesting status of project.

STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL

Memo dated July 13, 2001 to Kenneth Hetrick, Township Manager, re a request to purchase Block 8509; Lot 19. Received and filed.

Memo dated July 20, 2001 to Kenneth Hetrick, Township Manager, and Council re: recommended changes to checklist for use variance and preliminary site plan. Received and filed.

PLANNING DIRECTOR'S REPORT — No report.

PLANNING BOARD ATTORNEY'S REPORT - No report.

CLOSED SESSION

Motion made and approved to go into closed session.

COMMUNICATIONS

The following correspondence was received and filed:

New proposed legislation from Assemblyman DeCroce to establish Transportation Enhancement Districts, which will allow counties and municipalities greater authority in managing local highway issues and traffic congestion solutions.

Copy of letter dated June 13, 2001 from Joseph and Susan Fiorilla to the Department of Environmental Protection regarding concerns with the proposed subdivision of Kerry Greene, Block 10001; Lots 14, 19, 20 and 23.

Letter dated June 26, 2001 from the Passaic County Planning Board advising that approval of the final plat for Fieldstone Estates, Section II, Block 13001; Lots 1 and 2, is being withheld pending receipt of additional information.

Letter dated June 29, 2001 from the Passaic County Planning Board advising that approval is being withheld on the Final Site Plan application for Tanktite, Block 3906; Lot 3, 1551 Greenwood lake Turnpike, pending completion of additional information.

Invitation dated July 2, 2001 from Joseph J. Maraziti, Jr., Chairman, State Planning Commission, to a special meeting regarding the Highlands to be held July 19, 2001.

Letter dated July 10, 2001 from E. A. Smyk, Passaic County Historian, congratulating the Township for implementing the statute, which provides for an Historic Preservation Commission and advising that a plan for the maintenance of the Tichenor property is being developed.

Letter dated July 13, 2001 from Eastern Building and Utility Company, Inc. advising that they are applying for Stream Encroachment Permits for Fieldstone Estates, Blocks 13001 and 13002, for drainage outlets for detention basins.

Memo dated July 13, 2001 to Cindy Waldron-Mooney, Tax Collector, re assignment of lien for Block 8509; Lot 34.

ADJOURNMENT

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

Respectfully submitted,

Grace R. Davis
Secretary