

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**MINUTES
SEPTEMBER 25, 2002
REGULAR MEETING**

Chairman, Michael Tfank, called the meeting to order at 7:36 p.m. with the reading of the legal notice.

ROLL CALL

Present: Paul Donoghue, Robert Moshman, James O'Bryant, Robert Szuszkowski, Kurt Wagner. Alternates: Ada Erik, Leslie Tallaksen. Chairman: Michael Tfank. Board Attorney: Richard Brigliadora, Esq. represented Glenn Kienz, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Valerie Rhabel represented Robert Kirkpatrick, P.E.

Absent: Edward Orthouse, George Spence, Andrew Tynan

The Chairman appointed the alternates to sit for the absent Board members.

PUBLIC PORTION

During the public portion Linda Connolly and Richard Randazzo addressed the Board with concerns about water quantity and quality in the Township. They also requested information on the procedure for presenting experts to testify on applications before the Board.

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.

APPLICATIONS

KERRY GREENE

**Preliminary Subdivision #0110-1910
Bulk Variance # 0130-0501**

Block 10001; Lots 14, 19, 20, 23

Wooley Road; R-3 and R-4 Zones

Application for subdivision with variance relief requested to subdivide four existing lots to create 21 residential building lots.

COMPLETE: 05-13-02

DEADLINE: 09-30-02

William Drew, Planning Director, advised that a staff meeting was held with the applicant and his professionals, who indicated that they needed additional time to prepare revised plans. The applicant granted a time extension to November 30, 2002 and the matter was carried to the October 23, 2002 meeting with no further notice required.

ELS Holdings, L.L.C. (Tanktite)

Amended Prel. & Final Site Plan #0120-0056

Block 3906; Lot 3

1551 Greenwood Lake Turnpike; LMI Zone

COMPLETE: 05-31-02

DEADLINE: 09-25-02

William Drew advised that this matter was carried from the June meeting.

Dana D'Angelo, Esq. represented the applicant. He introduced Douglas McKittrick, P.E. and Michael Hoensch, owner of ELS Holdings. Mr. D'Angelo addressed the changes from the preliminary site plan as outlined in his letter to the Board dated May 10, 2001. He advised that they are proposing two self-contained storage trailers instead of the roofed storage area. These trailers will be weather proof and no hazardous materials will be stored in them. He noted that the dumpster did not appear on the plans as it is movable. A berm at the rear of the property is now shown on the plans. A 6,000-gallon double-wall emergency tank will be installed underground outside the building. An

alarm will be installed as requested by the Environmental Commission. Gravity fed floor drains will replace the trench drains originally proposed. There is a below ground fuel oil tank for heating. Seepage pits will be installed as requested.

Mr. Hoensch testified that only clean materials would be stored on site. He explained the procedures his firm followed in removing and storing tanks.

Mr. McKittrick addressed the Board Engineer's report dated May 20, 2002, the Health Department report dated May 15, 2002 and the Fire Marshal's report dated June 4, 2002. He indicated that the applicant would move all trailers and storage out of the flood plain and stated that no combustible materials would be stored on site.

The applicant indicated he would comply with the recommendations of the Sub Code Official for ADA compliance and the Environmental Commission's recommendation regarding the construction of a horseshoe shaped berm.

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

The Board noted that during a site inspection significant materials were observed on top of the trailers. The applicant explained that the drums were clean and empty. The height and length of the proposed berm was discussed. The applicant stated that all of his equipment would be stored indoors, that an alarm will be installed on the tank, that absorbent padding will be placed under the trucks stored outdoors and the vacuum truck would be stored indoors.

During discussion concern was expressed about the construction of the berm and the need for regular inspections by the Township.

MOTION made by Paul Donoghue to approve the application subject to the following conditions: that the applicant install an alarm on the emergency containment tank, that a horseshoe berm be constructed and shown on the plans, that sleepers be installed around the septic tank, that the applicant address the issues outlined in the June 21, 2002 Planning Department report, the May 20, 2002 report from the Board Engineer, the May 15, 2002 Health Department report, the June 4, 2002 report from the Fire Marshal and the June 26, 2002 from the Sub Code Official. Seconded by James O'Bryant.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Robert Szuszkowski, Kurt Wagner, Ada Erik, Leslie Tallaksen, Michael Tfank.
 No - None

X-TRA SPACE CENTER
Preliminary & Final Site Plan #0220-0127
Bulk Variance #0230-0589
Block 6902; Lot 17
54 White Road; CC Zone

COMPLETE: 08-05-02
DEADLINE: 12-03-02

Robert Jones, Esq. stated that the purpose of the site plan is to convert the former Hewitt Supply property into a self-storage facility through the construction of two new buildings. The applicant also proposed to enlarge one of the existing three buildings and to remove an existing shed located on the site. There are no wetlands on the site; there are slopes in excess of 35%.

Mr. McKittrick testified that there would be no construction or disturbance to the steep slope areas. Access will be from White Road and patrons and employees would enter through a security gate and traverse to the upper right side of the property in a counter-clockwise circulation pattern. The location of a proposed planting bed was established.

The applicant, Edward Casey, and his professionals stated there would be eleven parking spaces for the storage of boats and recreation vehicles and fourteen parking spaces for customers conducting business on site. There are two additional businesses renting space at the facility. The applicant entered into evidence a number of photographs depicting the landscaping at the Paradise Space Center and the Greenwood Space Center, which are also owned by him. He stated that the buildings at the front of the proposed facility have dummy doors. The landscaping would be enhanced with perennials and annuals. They did not believe there would be any detrimental effect from the proposed lighting. A black ornamental fence is proposed. The building colors would remain the same.

Mr. McKittrick addressed the Board Engineer's report dated August 26, 2002. He noted that Sheet Three of the plan would be amended to show the landscape plan; that the applicant would comply with item 4 and 5; that there would be no disturbance of the steep slope areas; that there is no grading greater than 12%; the grading plan would be revised to address the concerns of the Board; that the stormwater management was addressed using the rational method; the applicant would comply with Item 10; a series of seepage pits would be installed to capture water and recharge it into the ground; the facility was equipped with an overflow control device with a pipe to divert all drainage to a system along White Road.

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 hearing. On voice vote all were in favor.

During discussion the Board expressed concerns regarding drainage and water runoff. It requested and the applicant agreed that all lighting would be dusk to dawn. As to the suggestion that motion sensors be installed to decrease light pollution, the applicant indicated he would discuss the matter with his electrician. The Board requested that the Township Landscape Architect review the proposed landscaping plan. The recommendation of the Sub Code Official regarding ADA requirements will be addressed.

MOTION made by Robert Szuszkowski, seconded by Ada Erik, to approve the application subject to the conditions outlined in the Planning Department report dated September 20, 2002 and the August 26, 2002 report from the Board Engineer.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Robert Szuszkowski, Kurt Wagner, Ada Erik, Leslie Tallaksen, Michael Tfank.
 No - None

Recess

VALLEY RIDGE DEVELOPMENT, INC.
Final Site Plan #0220-0041B
Block 8002; Lot 4
Union Valley Road; R-1/PN Zone
Request for waivers of completeness

David Overlander, Esq. and William Beardslee, P.E. appeared on behalf of the applicant. Mr. Overlander explained that the applicant was before the Board for a completeness hearing on a final site plan. Preliminary approval was granted in 1997. He noted that the proposed complex contains 10 COAH units, which are part of the Township's Affordable Housing Plan.

William Beardslee testified that waivers were being requested for the submission of a sign detail, the operating maintenance agreement as it relates to the detention facility and correct topographic information. He indicated that the applicant would be willing to provide these prior to the issuance of a building permit. Passaic County Planning Board approval is still pending due to issues concerning a left turn lane and deed documentation issues. It was noted that the delays in proceeding with the application

were due to the length of time it took to obtain a wetlands permit for access across Belchers Creek. This process took over two years and was necessary for the project to continue. The applicant is also attempting to obtain the necessary permits for a connection of the sewage treatment plant to the Old Milford system. Once the necessary agreements are worked out with the MUA the applicant will be able to submit the required applications to the DEP. Permission to tie into the Bald Eagle water system is also pending.

Board members questioned the authority of the MUA to condemn property. The Board Attorney to research this matter. It noted that this application had been ongoing for five years and concern was expressed as to why the applicant needed additional time to complete the project.

Mr. Overlander submitted that, as this application is part of the Township Fair Housing Plan that the Board should grant the request. He indicated that obtaining the necessary permits for this project was a time consuming process and the applicant had been proceeding as quickly as possible.

A motion was made by Paul Donoghue to grant the request. However, as there was no second the motion was withdrawn.

MOTION made by James O'Bryant, seconded by Robert Szuszkowski, to deny the request for waivers.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Robert Szuszkowski, Kurt Wagner, Ada Erik, Leslie Tallaksen, Michael Tfank.
 No - None

Mr. Moshman left the meeting.

MEMORIALIZATIONS

DOUGLAS J. MCMILLIN (Rita's Italian Ices) Resolution No. 2002 - 27 Preliminary and Final Site Plan #0220-0128AB

Block 3503; Lot 23
1939 Union Valley Road; CC Zone

APPROVED: Preliminary and final site plan for site improvements to reoccupy existing building for commercial retail use.

In response to a question from the Board, Mr. Drew explained that the applicant was granted a temporary Certificate of Occupancy. He had submitted a bond to insure that all improvements would be installed

MOTION made by Paul Donoghue, seconded by Leslie Tallaksen, to memorialize Resolution 2002 - 27.

On roll call vote: Yes - Paul Donoghue, James O'Bryant, Robert Szuszkowski, Ada Erik, Leslie Tallaksen, Michael Tfank.
 No - None

VINCENT LANZA Resolution No. 2002 - 29 Minor Subdivision #0110-1941 Bulk Variance #0130-0548

Block 3508; Lot 3
Lakeside and Gleason Roads; R-1 Zone

APPROVED: Subdivision with variance relief to create two residential building lots.

MOTION made by Paul Donoghue, seconded by Ada Erik, to memorialize Resolution 2002 - 29.

On roll call vote: Yes - Paul Donoghue, James O'Bryant, Leslie Tallaksen, Michael Tfank.
No - None

WHITE MOUNTAIN REALTY
Resolution No. 2002 - 30
Major Soil Fill Permit #0060-0087
Block 6701; Lot 13
Union Valley Road
APPROVED: Major soil fill.

August Montalbano, of White Mountain Realty, addressed the Board regarding the amount of the bond to be submitted and the time limit in which the trees must be planted. He presented an estimate from a landscaper that was less than that suggested by the Township Landscape Architect.

Mr. Drew advised that the purpose of the bond is to insure that the work will be completed. The applicant hires the people to perform the task and, if possible, can have the work done at a lower price. Upon completion of the project a portion of the Performance Bond will be released and a portion held as a Maintenance Bond to insure that the trees survive. It was agreed that eighteen months was adequate time to allow for the planting of the trees. The Board was not agreeable to reducing the amount of the bond.

MOTION made by Leslie Tallaksen, seconded by Michael Tfank, to memorialize Resolution 2002 – 30.

On roll call vote: Yes - Leslie Tallaksen, Michael Tfank.
No - James O'Bryant

ORDINANCES REFERRED BY COUNCIL - None

PLANNING DIRECTOR'S REPORT – No report.

PLANNING BOARD ATTORNEY'S REPORT – No report.

MISCELLANEOUS

Status of West Milford Post Office discussed. William Drew advised that an agreement had been reached on the lighting, waiting for manufacturer to provide details on fixtures.

Water Quality Subcommittee: Provisions to be included in ordinance discussed. Due to scheduling conflicts Mr. Szuszkowski resigned from this committee and Leslie Tallaksen was appointed to fill the position.

STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL

COMMUNICATIONS

The following correspondence was noted and filed:

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

Valley Ridge at West Milford – Site Plan – Block 8002; Lot 4, Union Valley Road – draft deed received and approval withheld pending receipt of additional information.

Orchard View Estates – Preliminary Plat – Block 7701; Lots 7 and 8, Union Valley Road – draft deed reviewed and approval withheld pending receipt of additional information.

Lakeland State Bank – Amended Final Site Plan – Block 16502; Lot 3, 250 Oak Ridge Road – approval withheld pending receipt of additional information.

Addendum to Agenda

MINUTES

Motion made by Paul Donoghue, seconded by Ada Erik, to approve the minutes of the June 26, 2002 regular meeting. On roll call all eligible members voted yes.

COMMUNICATIONS

Letter dated September 21, 2002 from Diane J. Parisi requesting a time extension for the filing of deeds for Minor Subdivision #0110-1937.

William Drew advised that this matter would be scheduled for the next meeting of the Board.

The following correspondence was noted and filed:

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

West Milford Square – Final Site Plan – Block 7621; Lot 3, 1501 Union Valley Road – Granted final approval.

Letter dated August 11, 2002 advising that Kerry Greene is applying for a Letter of Interpretation for property located on Tintle Avenue, Block 6403; Lot 1.03.

Letter dated September 5, 2002 from the Hudson-Essex-Passaic Soil Conservation District advising that the plan submitted by Eagle Ridge @ West Milford, Block 5405; Lot 8, meets the standards for Soil Erosion and Sediment Control with a list of conditions.

Notice that Wm. UV Associates, LLC is applying for a Letter of Interpretation, Statewide General Permits #10A and 10B and a Transition Area Waiver Averaging Plan for property located on Union Valley Road, Block 7701; Lots 7 and 8.

Letter dated September 20, 2002 from R. Kimble & Son advising that the Newfoundland Dairy Queen is applying for a Treatment Works Approval for property located at 2648 Route 23 North, Block 14703; Lot 7.

ADJOURNMENT

Meeting was adjourned by unanimous vote at 11:02 p.m.

Respectfully submitted,

Grace R. Davis
Secretary