

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**MINUTES
SEPTEMBER 5, 2002
REGULAR MEETING**

Chairman, Michael Tfank, called the meeting to order at 7:40 p.m. with the reading of the legal notice.

ROLL CALL

Present: Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Andrew Tynan. Alternates: Ada Erik, Leslie Tallaksen. Chairman: Michael Tfank. Board Attorney: Richard Briogliadora, Esq. represented Glenn Kienz, Esq. Planning Director: William Drew, P.P. Consulting Engineer: James Woods represented Robert Kirkpatrick, P.E.

Absent: Robert Szuszkowski, Kurt Wagner.

Chairman appointed Ada Erik to sit for absent member.

PUBLIC PORTION

Celeste Byrne invited the Board members to a tour of the proposed bikeway and inquired about the status of the bikeway.

Nancy Jessen discussed the concern of residents regarding a proposed Laundromat to be opened in the LC Zone, which she indicated is not a permitted use. She requested that the Zoning Ordinances be enforced.

Scott Leonescu addressed the matter of rezoning of lots along Union Valley Road and read a letter from his attorney, John Barbarula, Esq., requesting an opportunity to present testimony regarding this matter.

MOTION made by James O'Bryant, seconded by Paul Donoghue, to close the public portion. On voice vote all were in favor.

APPLICATIONS

VINCENT LANZA

Minor Subdivision #0110-1941

Bulk Variance #0130-0548

Block 3508; Lot 3

Lakeside and Gleason Roads; R-1 Zone

Application for subdivision with variance relief to create two residential building lots.

Continued public hearing and presentation of alternative house locations.

COMPLETE: 06-12-02

DEADLINE: 10-10-02

Planning Director, William Drew, advised that the property fronts along Lakeside Road. However, the County has restricted access from this road because there is alternate access available. The Board expressed concern regarding the placement of the houses as presented. The surrounding neighborhood consists of small lots. At the Board's request the applicant prepared alternative plans for the location of the homes. In addition, the Board's Engineer had prepared alternative sketches for review.

Vincent Lanza, the applicant, stated that in his opinion the original subdivision plan that he had presented was the best plan for this property. He did not want a shared driveway. The lot disturbance was due to the length of the proposed driveways. The proposed lots are larger than the neighboring lots. As for house placement he had reviewed various alternatives, but did believe that they would be an improvement. He indicated that he preferred Plan B, keeping to a 30-foot setback and separate driveways and placing the houses to the center of the lots.

The meeting was opened to the public and as no one 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.

The Board Engineer noted that one driveway would cut down on lot disturbance.

Ada Erik stepped down due to an emergency call and Leslie Tallaksen was appointed to take her place.

During Board discussion it was noted that Plan B would require a variance.

MOTION made by James O'Bryant, seconded by Andrew Tynan, to approve the subdivision according to Plan B submitted by the applicant.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, George Spence, Andrew Tynan, Leslie Tallaksen, Michael Tfrank.
 No - None

WHITE MOUNTAIN REALTY
Major Soil Fill Permit #0060-0087
Block 6701; Lot 13
Union Valley Road

COMPLETE: 07-29-02
DEADLINE: 09-12-02

Joseph Affinito, Esq. and August Montalbano, Vice President of White Mountain Realty represented the applicant. Mr. Affinito explained that at the time this property was purchased in 1999 it was filled with debris and used illegally by ATV riders. The applicant cleared the property and brought in about 2800 yards of clean soil. They stopped when they realized that they should not have been doing this. Hence the Major Soil Permit before the Board. The applicant had no plans for developing the property.

The Board noted that a major tree clearance had taken place on this property.

Mr. Affinito addressed the issues raised in the Board Report as follows: the applicant had sealed plans, which he would submit; the applicant paid the fines issued by the Township; expert testimony as to the stability of the soil would be presented if required; the applicant had no plans for any construction; none of the imported soil was dumped in the wetlands or near the stream; no soil had entered the stream; the purpose of the soil movement was to stabilize and return the area to its natural formation before it was soil mined by a previous owner; the total soil removed was 2,793 yards.

August Montalbano testified that no soil had entered the 150-foot wetlands buffer or the stream; the soil is stable; he did not plan to replace the trees, which he stated were diseased; he had sold the property and the new owner, if he received approval for his project, would be landscaping the site.

The meeting was opened to the public and as no one wished to speak a **MOTION** was made by Paul Donoghue, seconded by Andrew Tynan, to close the public hearing. On voice vote all were in favor.

Mr. Drew noted that the application that Mr. Montalbano referred to is an application before the Zoning Board. If that application were denied the property would remain in its current state. Mr. Affinito advised that should that variance be denied the sale of the property would not take place and his client would have to replace the trees.

The Board expressed grave concern regarding the removal of the trees. They agreed that replacing the soil at this time would not be beneficial. It was suggested that the applicant be required to replace the trees in an area of the Township to be determined by the Board. The type of trees and an estimate of the cost would be provided for the next meeting.

MOTION made by James O'Bryant, seconded by Andrew Tynan, to approve the soil permit application with the condition that the applicant plant 20 trees in an area to be determined

by the Board; that sealed plans be submitted as requested; and that a bond be submitted to cover the cost of the trees until they are planted.

On roll call vote: Yes - Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Andrew Tynan, Leslie Tallaksen, Michael Tfank.
No - None
Abstain – Paul Donoghue

Robert Szuszkowski arrived.

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.

Resolution not prepared – carried to September 25th meeting.

ORDINANCES REFERRED BY COUNCIL - None

PLANNING DIRECTOR'S REPORT – No report.

PLANNING BOARD ATTORNEY'S REPORT – No report.

MISCELLANEOUS

Zoning:

MOTION made by James O'Bryant, seconded by Andrew Tynan, to recommend to the Township Council that they review the rezoning of the Union Valley Road area, including Crescent Park, from R-1 to R-4.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Robert Szuszkowski, Andrew Tynan, Leslie Tallaksen, Michael Tfank.
No - None
Abstain – George Spence

Airport Surveillance Radar Model 11:

MOTION made by James O'Bryant, seconded by Edward Orthouse, to adopt a resolution expressing its opposition to the locating of a facility on property off of Germantown Road.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Robert Szuszkowski, Andrew Tynan, Leslie Tallaksen, Michael Tfank.
No - None

Official Newspaper:

MOTION made by James O'Bryant, seconded by Leslie Tallaksen, to add the Aims as an official newspaper of Board.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Robert Szuszkowski, Andrew Tynan, Leslie Tallaksen, Michael Tfank.
No - None

Memo dated July 30, 2002 from Kenneth Hetrick, Township Manager, to Kenneth Hawkswell, Health Officer, re: Sharing of well data. William Drew advised that Robert Sparkes had been able to convert the well data to the parcel layer map. The Health Officer had agreed to have his staff maintain a current list of well data, which would be forwarded to the Planning Department periodically in order to keep the database up-to-date.

STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL

The following memos were noted and filed:

Memo dated July 31, 2002 from William Drew to Kenneth Hetrick, Township Manager, re: Site Plan Reviews.

Memo dated August 1, 2002 from William Drew to Cathy Shanahan, Manager's Office, re: ADA Site Plan Reviews.

MINUTES

MOTION made by Paul Donoghue, seconded by James O'Bryant, to approve the minutes of the July 10, 2002 reorganization meeting.

On roll call vote: Yes - Paul Donoghue, Robert Moshman, James O'Bryant, Edward Orthouse, George Spence, Robert Szuszkowski, Andrew Tynan, Leslie Tallaksen, Michael Tfank.
 No - None

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 – approval withheld pending receipt of additional information.

Cliffwood Lake Estates – Preliminary Subdivision – Block 17001; Lot 17, Canistear Road – preliminary approval granted.

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

Copy of letter dated July 26, 2002 to Sharon A. Morgenroth, Esq. re: -Valley Ridge Development, Inc. attendance at the September 25, 2002 Planning Board meeting.

Memorandum dated July 26, 2002 from Michael Hakim, Hakim Associates, re: Progress on conditions of approval for Eagle Ridge at West Milford.

Notice dated August 15, 2002 from Najarian Associates enclosing corrected copy of Treatment Works Approval Permit Application submitted for Eagle Ridge at West Milford, Block 3301; Lot 10 and Block 5405; Lot 8, Cahill Cross Road Extension.

ADJOURNMENT

Meeting adjourned by unanimous vote at 9:19 p.m.

Respectfully submitted,

Grace R. Davis
Secretary