

**TOWNSHIP OF WEST MILFORD
PLANNING BOARD**

**Minutes
July 30, 2003
Special Meeting**

Chairman, Michael Tfank, called the meeting to order at 7:46 p.m. with the reading of the legal notice.

ROLL CALL

Present: Paul Donoghue, Ada Erik (Arrived late), James O'Bryant, Edward Orthouse, Andrew Tynan, Kurt Wagner, Philip Weisbecker. Alternates: Leslie Tallaksen, Kathleen Caren. Chairman: Michael Tfank. Special Attorney: Stephen B. Glatt, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Robert Szuszkowski.

Chairman appointed Leslie Tallaksen to sit for absent member.

PUBLIC PORTION

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

SITE PLAN WAIVER APPLICATIONS

THEODORE TSIMPEDES
Site Plan Waiver #0320-0143W
Block 14104; Lot 1
2038 Rte 23, HC Zone

Scott Bannion, Esq. representing the applicant stated that no expansion of the existing building or parking was intended. He indicated there would be no change of use and no entertainment. The applicants planned to operate a bar and restaurant with some package good sales. The site is located on Route 23 North, the parking lot is not striped and there are currently no violations noted.

The applicant, Theodore Tsimpedes, testified that he would provide a handicap accessible parking spot, that the parking lot would be paved at some future date, that an offensive painting on the side of the building would be removed, that he would stripe the portion of the parking lot that is currently paved to accommodate 18 spaces and that all of the improvements would be completed in six months.

MOTION made by Paul Donoghue to approve the application with the condition that a six-month temporary Certificate of Occupancy be issued to expire on January 31, 2004, that the applicant pave the appropriate number of parking spaces required by Township Ordinance, that the signage conform to the Township Ordinances, that a handicap parking space be provided, and that the offensive character be removed from the building. Seconded by Leslie Tallaksen.

On roll call vote: Yes – Paul Donoghue, James O'Bryant, Edward Orthouse, Andrew Tynan, Kurt Wagner, Philip Weisbecker, Leslie Tallaksen, Michael Tfank.
No - None

APPLICATIONS

K. HOVNANIAN AT WEST MILFORD L.L.C.
(EAGLE RIDGE AT WEST MILFORD)
Final Site Plan #0320-0091B
Final Subdivision #0310-1929B
Block 5405; Lot 8

COMPLETE: 07-08-03
DEADLINE: 10-11-03

Cahill Cross Road; R1/PN Zone

Application for the construction of 280 townhouses.

Ada Erik, James O'Bryant and Kathleen Caren were recused.

A complete transcript of this proceeding is on file with the Township.

Meryl Gonchar, Esq. represented the applicant. Richard A. Schulz, P.E. was sworn in and his credentials as an engineer, surveyor and professional planner were accepted.

Ms. Gonchar addressed the conditions of preliminary approval that have not been satisfied as outlined in the Planning Department report dated July 18, 2003. During this discussion Shirleen Roberts, Esq. and Jay Cosentino, Landscape Architect, presented testimony for the applicant.

The meeting was opened to the public and as no one wished to speak a **MOTION** was made by Paul Donoghue, seconded by Kurt Wagner, to close the public portion.

On roll call vote: Yes - Paul Donoghue, Edward Orthouse, Kurt Wagner, Philip Weisbecker, Leslie Tallaksen, Michael Tfank.
 No - None

During discussion it was noted that the ownership of the roads and the maintenance of the catch basins were the responsibility of the homeowners association.

MOTION made by Paul Donoghue to approve the final site plan application subject to the following conditions: compliance with the Planning Department report dated July 18, 2003; subject to Robert Kirkpatrick's report dated July 17, 2003 with the following change in the paragraph regarding the "Restoration Bond" – the amount is changed to a dollar per square yard and the calculation is amended, as discussed, to an amount of approximately \$19,000; subject to Michael Hakim's memo dated June 24, 2003 striking items #2 and #10; subject to the Township Engineer's memo of July 11, 2003 striking items #1 and 2 as they are not in the preliminary approval and are beyond the RSIS requirements; and, subject to all required State and County approvals. Seconded by Leslie Tallaksen.

On roll call vote: Yes - Paul Donoghue, Edward Orthouse, Kurt Wagner, Leslie Tallaksen, Michael Tfank.
 No - Philip Weisbecker

MEMORIALIZATIONS

CHARLES ALESSANDRINI

Resolution No. 2003 - 16

Preliminary & Final Site Plan 0320-0136AB

Bulk Variance #0330-0634

Block 16605; Lot 22

3050 Route 23; HC Zone

APPROVED: Preliminary and final site plan for the construction of a retail business/warehouse buildings totaling 19,833 sq. ft.

MOTION made by Paul Donoghue, seconded by James O'Bryant, to memorialize the resolution granting preliminary and final site plan approval.

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

KERRY GREENE

Resolution No. 2003 - 18

Preliminary Subdivision #0110-1910

Bulk Variance # 0130-0501

De Minimis Exception to request reduction of right-of-way width

Block 10001; Lots 14, 19, 20, 23

Wooley Road; R-3 and R-4 Zones

APPROVED: Subdivision with variance relief to subdivide four existing lots to create 17 residential building lots.

The applicant's attorney, Shepard Peck, Esq., reviewed the proposed resolution and requested several changes to the conditions of approval. These amendments were discussed and resolved.

MOTION made by Ada Erik, seconded by Kurt Wagner, to memorialize the resolution subject to the proposed amendments.

On roll call vote: Yes – Ada Erik, Andrew Tynan, Kurt Wagner, Leslie Tallaksen, Michael Tfrank.
No - None

DOUGLAS J. McMILLIN (Rita's Italian Ices)

Resolution No. 2003 - 20

Amended Preliminary and Final Site Plan #0320-0128AB

Block 3503; Lot 23

1939 Union Valley Road; CC Zone

APPROVED: Amendments to approved site plan.

The Board noted that the applicant, Douglas McMillin, had not completed the work required under the preliminary approval and requested a status report on these improvements. It was further noted that the County had just paved the road and it would now require reopening that road to complete the curbing.

Mr. McMillin informed the Board that his engineer was working on updates to the plans, that the fence would be installed on August 15th and the curbing on August 19th, weather permitting, and that he had submitted a variance application that day.

Mr. Drew noted that a letter had been received from the Passaic County Planning Board advising that the applicant had not addressed the improvements they requested and that they recommended the temporary Certificate of Occupancy be rescinded if the work is not completed by August 21st.

The Board advised the applicant that if the work was not completed by August 28th the Certificate of Occupancy would be withdrawn.

MOTION made by James O'Bryant, seconded by Ada Erik, to memorialize the resolution granting amended preliminary and final plan approval.

On roll call vote: Yes – Paul Donoghue, Ada Erik, James O'Bryant, Edward Orthouse, Andrew Tynan, Kurt Wagner, Michael Tfrank.
No - None

MISCELLANEOUS

Sidewalk Plan – William Drew advised that there is money available in the capital budget for design work. He suggested that the original project be scaled back and that we concentrate on filling in the gaps in the existing sidewalk system in the center of town. Members voiced concern about safety in the area near the Strengthen Our Sisters property. It was suggested that funding may be available for this segment of the project as well as to repair the wall in front of the Presbyterian Church, which would help people traverse that area in a safe manner. The availability of grants to cover some of these expenses was discussed. The Board requested that a recommendation be sent to the Township Council requesting they authorize engineering design work to be completed on specific locations so that next spring the cost of construction could be incorporated into that year's budget. This recommendation was unanimously endorsed by the Board.

Telecommunications Ordinance – Copies of draft ordinance distributed. William Drew advised that the staff had determined that a separate site plan application would be required. With the Board's approval the staff would prepare the required application forms and checklists. A mechanism for establishing an estimated tree height was explained by Mr. Kirkpatrick. The location and camouflaging of the towers was further discussed. It was agreed that photos and balloon tests should be required.

