

**TOWNSHIP OF WEST MILFORD  
PLANNING BOARD**

**Minutes  
November 12, 2003  
Regular Meeting**

Chairman, Michael Tfank, called the meeting to order at 7:43 p.m. with the reading of the legal notice.

**ROLL CALL**

Present: Ada Erik, James O'Bryant, Edward Orthouse, Andrew Tynan. Alternate: Leslie Tallaksen (Arrived Late), Kathleen Caren. Chairman: Michael Tfank. Board Attorney: Bryant Gonzalez, Esq. Planning Director: William Drew, P.P. Consulting Engineer: Robert Kirkpatrick, P.E.

Absent: Paul Donoghue, Andrew Gargano, Kurt Wagner, Philip Weisbecker.

Chairman appointed Kathleen Caren to sit for absent member.

**PUBLIC PORTION**

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

**SITE PLAN WAIVER APPLICATIONS**

**THE GRACE FELLOWSHIP CHURCH OF WEST MILFORD**

**Site Plan Waiver #0320-0157W**

Block 9801; Lot 1

37 Stephens Road; R-4 Zone

Request to erect a freestanding sign on property they purchased fronting on Union Valley Road. The sign will be approximately 9-feet by 6-feet and will conform to the requirements of the sign ordinance.

**MOTION** made by James O'Bryant, seconded by Andrew Tynan, to grant the waiver request.

On roll call vote: Yes - Ada Erik, James O'Bryant, Edward Orthouse, Andrew Tynan, Kathleen Caren, Michael Tfank  
No - None

**APPLICATIONS**

**MICHAEL & CHRISTINE VANDER PLOEG**

**Minor Subdivision #0310-1955**

**Bulk Variance #0330-0628**

Block 16006; Lot 1

Grove Street; CC & R-4 Zones

Application for subdivision with variance relief to create 1 residential building lot.

COMPLETE: 08-18-03

DEADLINE: 12-16-03

Christine and Michael Vander Ploeg introduced Douglas McKittrick, PE and Jill Hartman, PP. The applicant, Christine Vander Ploeg, explained that they are proposing to subdivide an existing lot containing the Shoe Box Storage facility to create a building lot for the construction of a single-family dwelling.

Jill A. Hartman, P.P. testified that the property has been split zoned with approximately 9 acres located in the CC Zone and 1 acre located in the R-4 Zone. The applicants were proposing to create two lots, one (Lot 1.02) that would be entirely within the R-4 Residential Zone. The remainder of the property (Lot 1.01) would be located in both the

R-4 Zone and CC Zone. No commercial uses would be within the residential zone and there were no variances associated with the commercial use of the property. Therefore, the subdivision is entirely residential and no use variance was required.

Douglas McKittrick, P.E. testified that the applicant has made a request to the Township Council to vacate Spruce Street. An individual well and septic will service the house and the driveway access would be off of Grove Street. The applicant did not intend to disturb existing slopes in excess of 35%. He addressed the concern of the Health Department advising that the septic field would be at least 15 feet away from the proposed house. A 50-foot distance would be maintained from the existing septic system located on Lot 6. When the septic design is submitted it will address the 10% slope requirement. He would submit revised drainage calculations the standards of which are to be determined by the Board Engineer and Township Engineer.

Ms. Hartman explained that the lot is located in an older neighborhood consisting of ranch style and bi-level single-family dwelling. Most of the homes do not meet the bulk requirements and were undersized for the R-4 district. She outlined the bulk variances required for the new lot and noted the lot is limited by exceptional topographical conditions including steep slopes and an irregular shape. The proposed house will be set back 81 feet from the road, which was greater than the setback of the neighboring lots. The house will be consistent with the neighborhood. The development is consistent with the surrounding area and is an appropriate in-fill land use. It would protect the neighborhood from the expansion of the commercial facility on to the residential area and provide a buffer between those areas. She indicated that a variance could be granted without substantial detriment to the public good and that it would not impair the intent or purpose of the Master Plan or Zoning Ordinances.

William Drew, Planning Director, noted that the applicant submitted an Environmental Impact Statement that did not fully address the subject property. The report was for an earlier application for the storage facility and as such there were numerous misstatements and contradictions pertaining to the subdivision plan. He, therefore, recommended that a revised report be submitted.

The meeting was opened to the public and the following people spoke in opposition to the application: Gary Hollfelder, Brian Hollfelder, Fran Hollfelder, Caroline Gauntt and Roberto Planas. They expressed concern regarding the creation of an undersized, substandard lot, the location of the house, the number of variances requested and the elimination of a buffer between their home and the storage facility

In response to concerns raised regarding the clearing of trees on the lot, the applicant's engineer indicated that he had no objection to a construction fence being placed on the limit of disturbance line as shown on the drawing to insure that no disturbance occurs outside of the approved area.

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

Mr. Drew suggested that it might be advantageous for the applicant to subdivide along the zone lines. The Board recalled that during previous application hearings it was a concern that a sufficient buffer be maintained between the storage facility and the neighboring homes. It was observed that the house did not affect the site line, that the house fits the character of the neighborhood,

**MOTION** made by James O'Bryant to approve the application provided that all the conditions discussed during the hearing will be applied. Seconded by Ada Erik.

On roll call vote:   Yes -   Ada Erik, James O'Bryant, Edward Orthouse, Kathleen Caren, Michael Tfrank  
                          No -   Andrew Tynan

**DOUGLAS J. McMILLIN (RITA'S ITALIAN ICES)**  
**2<sup>ND</sup> AMENDED Preliminary and Final Site Plan**  
**#0320-0128AB**

COMPLETE: 10-01-03  
DEADLINE: 01-29-04

**Bulk Variance #0330-0637**

Block 3503; Lot 23

1939 Union Valley Road; CC Zone

Application to erect a free standing sign with a front yard setback variance request.

The applicant, Douglas McMillen, testified that he was unable to move the sign back because it would require him to remove an existing awning over the front of his business. The awning could not be shortened. As requested he had submitted plans.

Mr. Drew advised that those plans did not address the variance application, but were submitted to address the conditions of preliminary approval previously granted by the Board.

Mr. McMillen further stated that all required improvements had been installed.

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

**MOTION** made by Ada Erik, seconded by Kathleen Caren, to approve the application.

On roll call vote: Yes - Ada Erik, James O'Bryant, Edward Orthouse, Andrew Tynan, Leslie Tallaksen, Kathleen Caren, Michael Tfrank  
No - None

**THOMAS SCALA (LAUREL HOLLOW)**  
**Preliminary Subdivision #0010-1925**

Block 5001; Lots 19, 20, 21

5006 10 and 11+-

Rockburn Pass; R-4 Zone

Request for time extension.

Thomas L. Scala, Jr. testified that he was requesting a one-year time extension on the last phase of the Laurel Hollow, which is the last phase of the Rockburn development. He advised that DEP approval for wetlands delineation had been obtained, that the detention basins, underground utilities and drainage had been installed. Only the paving, which had been delayed due to weather conditions, remained to be completed.

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

**MOTION** made by Ada Erik, seconded by Leslie Tallaksen, to approve a one-year time extension.

On roll call vote: Yes - Ada Erik, James O'Bryant, Edward Orthouse, Andrew Tynan, Leslie Tallaksen, Kathleen Caren, Michael Tfrank  
No - None

**MEMORIALIZATIONS**

**MARK LINDSAY**

**Resolution No. 2003 - 28**

**Preliminary and Final Site Plan #0220-0130**

Block 6404; Lot 1.02

Greenwood Lake Turnpike; CC Zone

Construct new office/storage building for plumbing business.

**APPROVED:** Preliminary and final site plan approval to construct a new office/storage building for plumbing business.

**MOTION** made by Ada Erik, seconded by Kathleen Caren, to memorialize the resolution.

On roll call vote: Yes - Ada Erik, Edward Orthouse, Andrew Tynan, Leslie Tallaksen, Kathleen Caren, Michael Tfank  
No - None

**LINDSAY PLUMBING AND HEATING**  
**Resolution No. 2003 - 29**  
**Minor Subdivision #0210-1948**  
**Bulk Variance #0130-0596**

Block 7701; Lot 2

Union Valley Road; R-1 Zone

Request for time extension for filing of deeds.

**APPROVED:** 190 day time extension for filing of deeds.

**MOTION** made by Ada Erik, seconded by Edward Orthouse, to memorialize the resolution.

On roll call vote: Yes - Ada Erik, Edward Orthouse, Andrew Tynan, Leslie Tallaksen, Kathleen Caren, Michael Tfank  
No - None

**MISCELLANEOUS** – None.

**ORDINANCES REFERRED FROM COUNCIL** – None.

**PLANNING DIRECTOR'S REPORT** – None.

**PLANNING BOARD ATTORNEY'S REPORT** – None.

**STAFF REPORTS/MEMOS TO TOWNSHIP MANAGER/COUNCIL** – None.

**COMMUNICATIONS**

The following communications were received and filed:

Notice dated October 19, 2003 advising that Steven Olson is applying for a Letter of Interpretation for property located on Union Valley Road, Block 9901; Lots 10, 11 and 12.

Notice dated October 2003 advising that Thomas Scala is applying for a Statewide General Permit No. 10A, Transition Area Averaging Plan Waiver, and Special Activity Waivers for property located off of Clinton Road, Block 206; Lot 9.

Letter dated October 29, 2003 from Gerald Gardner Associates Inc. advising that Gary Wasyluk is applying for Treatment Works Approval for property known as Block 470; Lot 13.

Letter dated July 25, 2003, received October 31, 2003, from Ballester & Associates, Inc. advising that the owners of property at 99 Pinecliff Lake Drive, Block 7606; Lot 1 are applying for Treatment Works Approval for a subsurface disposal design.

Notice dated October 30, 2003 advising that Matthew & Heather War are applying for a General Permit for property located at 28 Old Hoop Pole Road, Block 16704; Lot 4.

Notice dated November 4, 2003 advising that Angelo Cantillo is applying for a General Permit for property located at 146 Banker Road, Block 1201; Lot 1.

Letter dated October 22, 2003 advising that County of Passaic, Office of County Engineer, is applying for a Stream Encroachment Permit for the replacement of Clinton Road Structure No. 1600-177 over Mossman's Brook.

Letter from Scott Leonescu, Your Home Team, advising he is withdrawing his request for an amendment to the condition of preliminary subdivision approval at this time.

Letter from Passaic County Planning Board approving Village on Ridge Section I final subdivision, Block 5201; Lots 16, 19, 20 and Block 5303; Lot 1.

Letter from Passaic County Planning Board regarding the preliminary subdivision for Alice Zampella advising of conditions yet to be met by the applicant. (Block 14601; Lots 5 and 6.)

**ADJOURNMENT**

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

Respectfully submitted,

Grace R. Davis  
Secretary